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Report of the Working Group on the Universal Periodic Review*

Croatia

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-second session from 4 to 15 May 2015. The review of Croatia was held at the 13th meeting, on 12 May 2015. The delegation of Croatia was headed by the First Deputy Prime Minister and Minister of Foreign and European Affairs, Vesna Pusić. At its 17th meeting, held on 15 May 2015, the Working Group adopted the report on Croatia.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Croatia: Bangladesh, Brazil and the former Yugoslav Republic of Macedonia.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Croatia:

(a) A national report (A/HRC/WG.6/22/HRV/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (A/HRC/WG.6/22/HRV/2);

(c) A summary prepared by OHCHR (A/HRC/WG.6/22/HRV/3).

4. A list of questions prepared in advance by the Czech Republic, Mexico, the Netherlands, Norway, Slovenia, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America was transmitted to Croatia through the troika. These questions are available on the extranet of the Working Group.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The head of delegation, the First Deputy Prime Minister and Minister of Foreign and European Affairs, said she was proud of the progress made by Croatia in the human rights area and was conscious that making progress was a continuous task. She pointed out that the level of protection and the scope of definition of human rights was a basic test for any State of its efficiency and functionality, highlighting especially minority rights, which could be seen as reflecting the overall status of human rights in a country. Emphasis was placed on the need for constant interaction between the State and civil society. The legislative and institutional framework for the protection of human rights in Croatia was based on the National Programme for the Protection and Promotion of Human Rights 2013–2016. Croatia had four ombudswomen, one for human rights, one for women's rights, one for the rights of children and one for the rights of persons with disabilities.

6. The Minister highlighted, among other the issues, free legal aid, the rights of persons with disabilities, social rights, the rights of lesbian, gay, bisexual, transgender and intersex persons, national minorities, anti-discrimination, ethnic discrimination (specifically against vulnerable groups), hate crime, war crimes, the issue of missing persons, displaced persons and human trafficking.

7. Concerning free legal aid, the new Free Legal Aid Act has two segments, one on primary legal aid in the form of advice, which can be provided to everybody regardless of income, and the other on secondary legal aid, which is provided in cases before the court, depending on the material status and assets of the citizen. Secondary legal aid can only be

provided by lawyers. Aid for victims of domestic violence is universally accessible without an "income census" (information on income).

8. On the issue of the efficiency of the judiciary, the backlog of cases had decreased from 1.6 million cases in 2004 to 579,032 cases as of May 2015. Although more effort was needed, it was highlighted that the improvement was due, in particular, to specialized courts. The reform of the courts and the public attorney's system, the reduced number of courts and public attorney offices, the introduction of information technology, including the assignment of cases and a simpler misdemeanour procedure had also contributed to the increased efficiency.

9. Croatia was still dealing with the consequences and the human rights challenges of the war, even though the war had ended in 1995, just as every society had to deal with the consequences and the brutalization that happen during war. Croatia had four specialized courts, in its four biggest cities, with jurisdiction over war crimes. With regard to the previous practice of sentencing people in absentia, all of those cases were being reviewed and individuals who had been sentenced in absentia could request that their specific case be reviewed. There were 16 cases before the European Court of Human Rights regarding war crimes. In 3 of those cases, the Court had ruled in favour of the plaintiff, stating that the procedures had indeed not been conducted as they should have; in another 3 cases, the Court had reconfirmed the procedure and verdict by the Croatian court; and 10 cases had been dismissed by the Court. That data reflect positively on the functioning, efficiency and procedural correctness of the Croatian specialized courts. With regard to the prosecution for war crimes, from 1992 to the end of 2014 proceedings were initiated against 3,553 persons, of whom 589 were convicted and 220 were undergoing additional investigations.

10. With regard to the issue of sexual violence during the war, a new bill would recognize the rights of rape victims during the war, including the right to compensation.

11. The rights of lesbian, gay, bisexual, transgender and intersex persons were extremely important and significant progress had been made since the first gay pride parade was held in Zagreb 12 years previously, in a precarious atmosphere. Pride parades had become a celebration of freedom rather than a struggle. In Split, the Government reacted to the violence that had occurred during the first gay pride parade by having five government ministers and the mayor of Split march in the following year's parade. Not only through legislation but also by leading by example, the State showed that it had a role to play in defending human rights. The law on registered partnerships allowed lesbian, gay, bisexual, transgender and intersex partners to have all the same rights as married couples except the right to adopt children.

12. In Croatia, over 20 national minorities were recognized by the Constitution. The status of Serbs and Roma was underlined. Information was shared on the constitutional provisions for the protection of human rights of national minorities, including the eight seats reserved in the parliament for ethnic minorities, which had great influence, since they could make or break a government. Roma were seen as actively making an important contribution to society. Among the achievements was the fact that Romany was being taught at Zagreb University and that a Romany-Croatian dictionary had been published. The land where Roma settlements were built has been legally registered and over 1,500 illegally built Roma houses had been legalized. Funds had been provided by the State. The Roma had also started the Roma National Council. Moreover, plans had been announced to build new schools in two communities with a high Roma population, ensuring better conditions and facilitating integration.

13. Minorities represented 3.5 per cent of State employees, a figure that would have to improve.

14. It was noted that quotas worked and that a system of quotas for women had been applied first in the local elections and would be applied in the upcoming parliamentary elections. Croatia had a modified proportional system of representation: the country was divided in 10 electoral districts, from each of which 14 members of parliament were elected. Six of the 14 candidates in each list would have to be women.

B. Interactive dialogue and responses by the State under review

15. During the interactive dialogue, 68 delegations made statements. Recommendations made during the dialogue can be found in section II of the present report.

16. Trinidad and Tobago noted with satisfaction that since the first cycle of the universal periodic review in 2010 Croatia had made several improvements to its legal and institutional framework in the area of human rights. It also welcomed the broad scope of the National Programme for the Protection and Promotion of Human Rights 2013–2016.

17. Turkey applauded the efforts of Croatia to improve the institutional and legal framework and to contribute to the overall well-being and harmony of diverse communities. It noted with satisfaction steps taken to combat corruption, appreciating the range of policies and programmes on the rights of the child, and encouraged strengthening the anti-discrimination dimension. It appreciated efforts to prevent violence against women and to improve women's general standing and self-esteem.

18. Ukraine appreciated the consultations with different stakeholders and civil society in the preparation of the national report. It acknowledged steps taken by Croatia since the first cycle of the universal periodic review and commended the adoption of the Law on Protection from Domestic Violence and the National Strategy of Protection against Family Violence 2011–2016, and encouraged the effective implementation of those important documents. It recognized the steps taken to improve the health-care system, particularly for children.

19. Germany encouraged Croatia to continue on the path of improving human rights and cooperating with neighbouring countries and with civil society. It noted shortcomings with regard to the duration of judicial trials and in the area of non-discrimination of women and minorities, in particular the Serb minority and the Sinti and Roma communities. Germany was also concerned about discrimination against lesbian, gay, bisexual, transgender and intersex persons.

20. The United States of America hoped Croatia would continue to serve as a model in respecting human rights, which is key to democratic development and economic growth. It commended the leadership shown by Croatia on women's issues as a chair of the Equal Futures Partnership, a multilateral initiative, and steps taken to address trafficking in human beings. It expressed concern about discrimination and violence against women and girls, against lesbian, gay, bisexual, transgender and intersex persons and against ethnic minorities, particularly Serbs and Roma. It commended the robust structure for addressing human trafficking and urged for more implementation efforts.

21. Uruguay welcomed the plan on the deinstitutionalization and transformation of social welfare homes and on legal persons performing social welfare activities for 2011–2016. It welcomed the entry into force of the Law on Protection of Persons with Mental Disorders and encouraged Croatia to continue the work in relation to people with disabilities, particularly people with psychosocial or intellectual disabilities.

22. The Bolivarian Republic of Venezuela commended the efforts in the implementation of the recommendations of the first cycle. It welcomed the National Programme for the Protection and Promotion of Human Rights 2013–2016 and noted that Croatia had

demonstrated progress in awareness-raising on minorities and vulnerable groups. It also welcomed the National Plan to Combat Trafficking in Persons, and the promotion of gender equality and political participation of women.

23. Albania congratulated Croatia for the significant steps taken to follow up on the recommendations since the first cycle, emphasizing the strengthening of the institutional and legal framework and raising public awareness regarding minorities and vulnerable groups. It also noted the commitment to proceed to the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the fact that Croatia had actively supported the drafting of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

24. Algeria noted with satisfaction the establishment of national programmes in the areas of health care, the protection of children and prevention from violence within the family. It also welcomed the existence of such mechanisms as the ombudspersons for children, for gender equality and for persons with disabilities, as well as cooperation with human rights mechanisms.

25. Angola welcomed efforts undertaken by Croatia to promote and protect women's rights, in particular by adopting the law and national policy for gender equality. It encouraged the Government of Croatia to continue implementing measures to combat discrimination through the National Programme for the Protection and Promotion of Human Rights.

26. Argentina congratulated Croatia on the establishment of the Action Plan for the Employment of National Minorities in Public Administration Bodies 2011–2014. It also noted efforts to combat human trafficking by harmonizing national legislation with international norms. It encouraged Croatia to push forward with the additional measures mentioned in its national report.

27. Armenia appreciated the steps taken to combat trafficking in women and children, cooperation with civil society on this issue as well as awareness-raising initiatives through the media and trainings. It noted efforts to protect the rights of national minorities and promote inter-ethnic tolerance; however, it also noted that the concerns and issues of national minorities were not sufficiently represented.

28. Australia acknowledged efforts to address gender-based discrimination and domestic violence. Australia also noted reports of continued societal discrimination against minority groups, including in education, employment, housing and health care.

29. Austria noted the measures taken to reduce overcrowding in detention centres and to improve health care for persons deprived of their liberty. It noted the concerns expressed by the Committee against Torture and the Committee on the Rights of the Child about the lack of legal safeguards for these persons and prolonged pretrial detention, particularly for children. Austria also expressed concern about reports of police officers being inadequately trained to respond to domestic violence and of victims sometimes being arrested and charged along with the perpetrators.

30. Benin appreciated the efforts made by Croatia since the first cycle and welcomed the ratification of the Hague Convention on Protection of Children and Cooperation in Respect to Intercountry Adoption and the adoption of the protocol on procedures relating to acts of sexual violence.

31. Bosnia and Herzegovina noted the concerns expressed by the Office of the United Nations High Commissioner for Refugees that, of the Serb minority returnees, 15 per cent did not have access to potable running water, 33 per cent lived in villages without paved roads and 40 per cent did not have access to public transportation. It also noted the high

unemployment rate (68 per cent) among minority returnees. It also noted that minority returnees faced problems regarding their right to a pension.

32. Brazil commended Croatia for strengthening its national legal and institutional human rights framework through the entry into force, in 2011, of the Act on the Ombudsman, which also performs the functions of a national preventive mechanism, and the Act on Professional Rehabilitation and Employment of Persons with Disabilities.

33. Bulgaria commended the implementation of key strategic documents and efforts to combat hate crime, ensure free legal aid and improve education on human rights. It appreciated concrete measures taken to strengthen the effectiveness of its efforts to protect women's rights and combat domestic violence. Bulgaria noted the adoption of some progressive legislation on gender-based violence. It acknowledged the efforts within the national preventive project entitles "Living without violence", which involves different stakeholders including police and non-governmental organizations.

34. Canada welcomed the support of Croatia for the 2010 universal periodic review recommendation to take measures to eliminate discrimination against the Roma community. Canada expressed concern about reports that Roma are often unable to access State services because they lack legal status inside the country.

35. Chile commended the commitment to human rights and the ratification of human rights treaties. It welcomed the adoption of laws on discrimination against national minorities, gender equality and the right to legal assistance. It highlighted the entry into force of the Act on the Ombudsman in 2011. It also commended the establishment of an office to promote gender equality.

36. With regard to the rights of persons with disabilities, the head of the Croatian delegation emphasized deinstitutionalization as the leitmotif of current policies and said that this was a process for people with both physical and mental disabilities. A number of institutions that used to be centres where people with disabilities lived had been transformed to provide outpatient services within the community. People with disabilities had achieved integration through assisted living, among other means, and children with disabilities had achieved integration by attending regular schools. Assistance was provided where it was necessary. People with mental and intellectual disabilities specifically were being integrated, including by having voting rights. A measure introduced in order to further facilitate the employment of persons with disabilities stipulated that every company with more than 20 employees had to employ at least one person with disabilities; that figure increased as the number of employees increased.

37. Concerning the questions about domestic violence, changes had been made to the Criminal Code, namely the stipulation that domestic violence was a criminal offence. Dual arrests (the arrest of the victim and the perpetrator) were no longer happening. Information was provided on the measures in place during and after the proceedings to separate the perpetrator from the victim and the home. Croatia had 19 safe houses for victims of domestic violence.

38. On the fight against corruption, Croatia had taken a bold and controversial step in prosecuting and investigating officials at the highest levels in order to address the issue at the highest possible levels. The anti-corruption strategy for 2015–2020, which had been adopted in February 2015, had been developed in a participatory manner: over 40 participants took part in designing it, including non-governmental organizations.

39. On gender equality, the pervasive, covert discrimination against women in the area of employment was noted. To eliminate the disadvantage faced by women seeking employment, paternity leave had been introduced.

40. Croatia had spent 5–6 billion euros on housing some 354,000 returnees, of whom about 130,000 were ethnic Serbs. Through the housing programme, 149,887 persons had been provided with houses and others with the material to restore their houses or were housed in another way. Some 480 people were still without a house or had the status of refugees. Regarding abandoned property given for use to other persons, all but 13 cases have been resolved, of which 7 were in the process of being resolved.

41. China commended Croatia for its constructive engagement with the universal periodic review. It also commended the adoption of the new Free Legal Aid Act, the Social Welfare Act 2014 and the four-year national policy for gender equality, to further improve and protect women's rights to employment and health and to prevent domestic violence. It welcomed efforts on Roma rights and on developing the national strategy for Roma inclusion for 2013–2020.

42. Costa Rica commended Croatia for the progress made towards a fairer society in terms of access to power and for the law on gender equality, which promotes the participation of women elected to office. Costa Rica urged Croatia to strengthen human rights education programmes through the Croatia national programme.

43. Cuba appreciated the implementation of the National Programme for Protection and Promotion of Human Rights 2013–2016 and the National Policy for Gender Equality 2011–2015; the establishment of the National Committee to Combat Violence in Sport; the adoption of the new Law on the Position and Jurisdiction of Courts and Law Jobs and the Jurisdiction of State Prosecutors.

44. Cyprus commended measures taken by the Government of Croatia to implement its international human rights obligations. It particularly welcomed the initiatives undertaken for the promotion of the rights of women and children, as well as measures taken for the elimination of all forms of discrimination.

45. The Czech Republic welcomed the delegation of Croatia and thanked it for its national report and appreciated the response to some of the advance questions.

46. Egypt acknowledged positive developments in institutional and legislative reforms and policy implementation. It welcomed the efforts to eliminate sexual violence, combat hate speech, enhance the availability and quality of legal aid in the context of the judicial system, upgrade the national human rights institution and combat and prevent torture and ill-treatment in detention centres. Egypt commended the strides made in ensuring better representation of women in public and political life.

47. Estonia noted the progress in the area of human rights and in the implementation of most recommendations and commended Croatia for implementing the policy suggestions made during the previous review. Estonia welcomed the entry into force of the Act on the Ombudsman and the adoption of the acts on asylum and anti-discrimination, among others. It acknowledged the ongoing endeavours to promote gender equality and stop discrimination against women.

48. France welcomed the ratification of the Hague Convention in December 2013 and efforts to grant to the victims of sexual violence during the 1991–1995 war the status of civilian victims of the conflict. France wished to know about measures to prevent and suppress hate speech and punish threats against journalists.

49. Georgia welcomed the ratification of the Convention on the Reduction of Statelessness and commended Croatia for its efforts to strengthen human rights protection at the national level. Georgia asked Croatia to provide information on how the correctional measures had been implemented towards juvenile criminal offenders. It noted the steps taken in respect of juvenile pretrial detention.

50. The United Kingdom noted the adoption of progressive legislation on civil partnerships, the implementation of the national strategy for Roma inclusion and the constitutional law on minorities. It recognized the work of the ombudsperson for disabled persons, but regretted the lack of coordination in implementing the national strategy for equal opportunities for persons with disabilities.

51. Greece noted with appreciation developments with regard to the rights of women, particularly the gender equality act and the development strategy for female entrepreneurship 2014–2020 and commended Croatia for increasing the representation of women. It also commended it for developments in promoting the rights of the child and for efforts to promote the rights of children and the National Strategy on the Rights of Children 2014–2020 as well as efforts to promote the rights of children with disabilities.

52. Hungary welcomed the steps taken to strengthen the institution of the ombudsman and acknowledged difficulties in allocating more resources. It acknowledged progress in combating discrimination, but noted that challenges remained, particularly with regard to national and ethnic minorities.

53. Indonesia commended Croatia for the measures taken in implementing recommendations from the first universal periodic review by ratifying the Hague Convention as well as continuing the National Programme for the Protection and Promotion of Human Rights 2013–2016 and welcomed the emphasis on gender equality. It noted the positive developments in the institutionalization of mentally ill persons and the implementation of laws to combat human trafficking and protect victims of domestic violence.

54. Iraq noted the progress that had been made in protecting human rights, particularly the adoption of social protection laws and the workplan on minorities. It welcomed measures to combat corruption and domestic violence, promote the participation of women in public life and remove pay inequality between men and women.

55. Ireland welcomed measures taken to promote inclusive education through the national strategy for Roma inclusion and its associated action plan and hoped that these efforts would continue and would assist Croatia in executing the European Court of Human Rights ruling in *Oršuš and Others v. Croatia*. It urged Croatia to increase the administrative capacity of the courts to adjudicate on war crimes cases. It noted the concerns of the Special Rapporteur on violence against women about reparations for women victims of wartime violence and expressed concern at the treatment of persons with disabilities, particularly the increasing number of children with disabilities in institutional care and the lack of adequate treatment and care in institutions.

56. Israel welcomed the delegation of Croatia and thanked it for its national report. It noted the progress that has been made in the field of human rights since its first universal periodic review. It referred to the reports of the Croatian ombudsperson and the Committee on the Rights of the Child in providing its recommendations.

57. Italy commended Croatia for adopting the protocol on procedures in cases of sexual violence. It took note of the legal framework to protect the rights of persons belonging to minority groups and expressed satisfaction with the level of protection and integration enjoyed by the Italian autochthonous minority in the Istrian county.

58. Kyrgyzstan noted the engagement of Croatia with the United Nations, particularly OHCHR, and other international organizations in the area of human rights, the measures taken to strengthen the legal and institutional framework for the empowerment of women and the results achieved through the implementation of the national plan of activities for the rights and interests of children (2006–2012).

59. Libya applauded Croatia for implementing recommendations from the first review and valued the progress made in protecting human rights. It welcomed the measures taken in respect of racial discrimination, gender equality, domestic violence and violence against women, children's rights, the rights of persons with disabilities, migrants, trafficking in persons and asylum seekers. Libya welcomed measures in the administration of justice and the efforts to reduce the backlog of unresolved cases.

60. Malaysia noted efforts made since the first review to strengthen the legislative and institutional framework. It commended efforts on gender equality and women's empowerment as well as on children's rights through the adoption of the National Strategy on the Rights of Children. It noted challenges in the promotion and protection of human rights, including in combating domestic violence and the negative attitudes and prejudices against ethnic minorities.

61. Maldives welcomed the entry into force of the Act on the Ombudsman, the amendment of the Social Welfare Act and the adoption of the Family Act of 2014. It noted efforts to provide inclusive education for children with disabilities and achievements on the welfare of children. It encouraged coordination between government bodies dealing with the welfare of children.

62. Mexico commended Croatia for the entry into force of the Free Legal Aid Act and expressed the hope that access to legal aid would be ensured pursuant to the principle of non-discrimination, including to migrants and asylum seekers. It encouraged Croatia to ensure that the functions of the Ombudsman would receive appropriate support from the parliament and other government bodies.

63. Montenegro commended Croatia for its endeavours in relation to the lesbian, gay, bisexual, transgender and intersex population and welcomed the adoption of the Life Partnership Act establishing legal rights, including to marry, for same-sex couples. It asked about the results achieved and about future plans to promote and protect the rights of lesbian, gay, bisexual, transgender and intersex persons. Montenegro appreciated the efforts in promoting and protecting the rights of children. It noted progress in reducing the number of children in institutions and strengthening day-care services.

64. Morocco welcomed the measures taken to combat discrimination. It noted the adoption of a national strategy to create a favourable environment for civil society. It congratulated Croatia for the progress made in improving the rights of women and combating domestic violence. It noted the ongoing implementation of policies for gender equality.

65. Namibia applauded Croatia for the various efforts made to eliminate discrimination and equality, such as the National Programme for the Protection and Promotion of Human Rights 2013–2016, the action plan for removing barriers to achieving equal rights in the area of integration (2013–2015) and the National Policy for Gender Equality 2011–2015.

66. The Netherlands welcomed efforts to achieve gender equality and expressed concern about the levels of domestic violence against women. It expressed concerned over the administrative capacity of the courts to deal with war crime prosecutions and witness support and protection, the speed of investigations and the dealing with the remains. It also expressed concern about the lack of independence of the judiciary, which weakened the rule of law.

67. Nicaragua stated that the human rights situation in Croatia had improved with the adoption of the gender equality act and the ratification of the Hague Convention, as well as of the Family Act, which governs the rights of the child.

68. Nigeria commended the National Programme for the Protection and Promotion of Human Rights 2013-2016 and the set-up of the Ombudsman mechanism. It welcomed

government efforts to implement anti-discriminatory measures, promote gender equality and introduce a mechanism for combating hate crimes. It further commended Croatia for the implementation of the Constitutional Act on the Rights of National Minorities and noted efforts on the project entitled "Living without violence".

69. Norway commended Croatia for its efforts to improve its legislation against hate crimes and discrimination, noting that incidents of violence, particularly towards Serbs and Roma, remained a serious issue. It was concerned by the number of unresolved cases relating to severe human rights violations during the war, while the selection of cases remain disproportionately directed against Serbs. Norway noted the lack of an efficient system to support victims of sexual and domestic violence.

70. The Philippines was encouraged by the national policy for gender equality, which, among others, addresses the wage gap and provides support for female entrepreneurs. The Philippines encouraged Croatia to include Roma women as beneficiaries of equal treatment. It also appreciated the measures to strengthen the protection of victims of trafficking.

71. Poland thanked the delegation of Croatia for the presentation of its national report and acknowledged the work done in recent years regarding the implementation of international human rights standards.

72. Portugal welcomed the commitment to protect and promote human rights, especially since its first report under the universal periodic review. Portugal highlighted improvements to the institutional framework and the signing of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

73. The Republic of Korea welcomed the ratification of the Hague Convention, the establishment and implementation of National Programme for the Protection and Promotion of Human Rights 2013–2016 and the National Strategy of Protection against Family Violence, as well as the legislation of the new Free Legal Aid Act. It remained concerned about the lack of an adequate response to family violence or violence against children.

74. The Republic of Moldova commended the progress made, including through implementing the National Programme for the Protection and Promotion of Human Rights 2013–2016 and strengthening the Ombudsman's Office. It acknowledged the activities to increase sensitivity in reporting on human trafficking. Noting concerns about unfavourable views towards victims of trafficking among professionals, it was interested in learning more about public awareness activities targeting doctors, prosecutors and judges to better understand the situation of these victims. It noted the National Strategy on the Rights of Children and the incorporation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in the Criminal Act.

75. Romania welcomed the adoption of various strategies and action plans, such as the National Policy for Gender Equality 2011–2015 and the national strategy for Roma inclusion 2013–2020 and its action plan, and the measures taken to combat hate crimes. It also noted the positive action taken in the treatment of persons belonging to minorities and in education.

76. The Russian Federation noted the efforts of Croatia to implement its international human rights obligations. It also noted that challenges remained with regard to gender equality, discrimination against the Serb and Roma minorities and the rights of people with disabilities.

77. Rwanda commended Croatia for adopting the protocol on procedures in cases of sexual violence and for implementing anti-discrimination measures. It noted with appreciation that plans for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance had been initiated.

78. Serbia acknowledged measures taken to protect the rights of members of national minorities, but noted that discrimination still persisted and that members of the Serb minority, including returnees and refugees, continued to face severe problems. It also stated that accountability for past human rights violations should be ensured and unresolved cases of enforced disappearance should be investigated in an impartial and transparent manner.

79. Sierra Leone commended Croatia for drawing up human rights policies and strategies including the National Strategy of Protection against Family Violence, the National Strategy on the Rights of Children and the National Health-Care Strategy. It urged Croatia to further facilitate the promotion of women, particularly from minority groups, in sociopolitical spheres and the labour market. Sierra Leone also called on Croatia to submit long overdue reports to the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination.

80. Slovakia commended efforts to strengthen the legal and institutional framework through the National Programme for the Protection and Promotion of Human Rights 2013–2016 and the work of the Office of Human Rights and the Rights of National Minorities. Recognizing the focus put on the rights of the child, Slovakia encouraged the authorities to ensure that all children with disabilities and children placed in institutions have equal access to education. It was pleased with the efforts made to integrate persons with disabilities.

81. Slovenia welcomed the positive development in promoting gender equality and the rights of women, children and lesbian, gay, bisexual and transgender persons. It commended the work of the Ombudsman's Office and specialized ombudsmen for children, gender equality and persons with disabilities.

82. Spain congratulated Croatia on all the measures it had adopted to eradicate violence against women. Spain commended Croatia for the measures taken to ensure inclusive education for children with disabilities.

83. The State of Palestine welcomed the efforts made to promote the rights of the child and commended Croatia for the steps taken to improve inclusive education. However, it remained concerned that children in vulnerable and disadvantaged situations did not always enjoy equal access to education.

84. Sweden noted that the integration of minorities in Croatian society had proved challenging and that Croatia had received the lowest number of asylum seekers in the European Union. It appreciated the recent law aimed at encouraging employers to hire and create jobs for persons with disabilities.

85. Switzerland welcomed the efforts made by Croatia to think critically about the war of the 1990s and stated that it was essential to pursue efforts, in particular regarding the crimes committed during that period. It also reiterated its concerns on the protection of the rights of minorities.

86. Thailand commended the numerous legal reforms, such as the voter registry act, and praised the achievements in promoting gender equality. It encouraged Croatia to continue addressing the remaining gender disparities. It remained concerned about domestic violence and noted the lack of resources allocated to the ombudsperson for persons with disabilities. It welcomed the National Health-Care Strategy.

87. The former Yugoslav Republic of Macedonia commended the establishment of the working group for reforming rules to entry in the judicial profession as a means of safeguarding the independence of judiciary. It asked the delegation to expand on concrete steps taken to protect victims of domestic violence and to give information on the progress made on the empowerment of women in political and economic spheres.

88. Timor-Leste commended the adoption of several laws, including the Law on Protection of Persons with Mental Disorders, welcomed the entry into force of the Act on the Ombudsman and noted with appreciation the achievements made to combat sexual exploitation and abuse. Timor-Leste remained concerned about the lack of adequate support systems for victims, particularly the limited access to prevention programmes for children.

89. In concluding remarks, the head of the Croatian delegation touched upon a number of issues raised by the delegates. Four conventions (the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Convention on Preventing and Combating Violence against Women and Domestic Violence) were at different stages of ratification. Concerning the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Croatia, as a State member of the European Union, adhered to the common policy on migration and would, therefore, continue functioning within that framework. Moreoaver, Croatia had provided a ship as part of European efforts to save refugees in the Mediterranean.

90. On the issue of trafficking in human beings, the important challenges of such trafficking were addressed. Education and training efforts such as seminars on recognizing cases of human trafficking and awareness-raising programmes were taking place. Since Croatia had been identified as a country of both origin and destination, especially during the tourist season, emphasis had been placed on training police officers, border guards and communities.

91. Concerning the issue of children in prisons, delegates were informed that there were currently 65 children in different forms of detention, correctional institutions or juvenile prisons. Pretrial detention was being reduced to the shortest possible period and took place in secured educational facilities where continual psychological, social and health care was being provided.

92. On the overcrowding of prisons, an issue from 2010, delegates were informed that, by introducing probation for minor offences and community work instead of prison sentences, Croatian prisons now held a population (3,800 prisoners) that was slightly below capacity (3,900 prisoners).

93. Concerning language and, specifically, the use of Cyrillic script for the Serb minority, Croatian law prescribed that when 30 per cent or more of a community was composed of a minority, that group had the right to use its language and script. The Government had implemented that law not only in areas where the situation was not very controversial but also where it was controversial, as in Vukovar, which had been completely destroyed during the war and still nursed very deep wounds. The Government was fighting opposition to the law in that town and had called for cross-border cooperation, especially with Serbia and Bosnia and Herzegovina, on raising awareness of the importance of minority languages in those sensitive areas.

94. On pensions for returnees, it was clarified that returnees had pensions. The unresolved issue concerned the pensions of those who had not returned and who remained outside Croatia; the issue was under review and a solution was being sought, also with the Government of Serbia.

95. On the issue of missing persons, there were still 1,590 such persons, of whom 930 were ethnic Croats and 660 ethnic Serbs; almost all of them were from Croatia. Serbia and Croatia, including the heads of the respective delegations personally, were working together on the issue.

96. On hate crimes, information was provided on the protocol on acting in hate crime incidents and on the statistics. In 2014, the police identified 22 cases of hate crime incidents, while the prosecutor's office acted in 60 such cases. Of those cases, 12 were solved, 6 with in a conviction; the others were still being processed.

97. On the independence of judiciary, the Croatian judiciary was completely independent of the State and the Government. That was not enough, however, as the judiciary also needed to be independent from any other influence outside of the law and the rules of procedure and had to function to the highest standards. It was something that Croatia was working on.

98. The head of the Croatian delegation concluded by thanking the President of the Human Rights Council and the delegates for the discussion and the recommendations and for raising important issues.

II. Conclusions and recommendations**

99. **The following recommendations will be examined by Croatia, which will provide responses in due time, but no later than the thirtieth session of the Human Rights Council, in September-October 2015:**

99.1 **Join more human rights treaties and optional protocols (Israel);**

99.2 **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and recognize the competence of its Committee (Uruguay);**

99.3 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina) (France) (Costa Rica) (Portugal);**

99.4 **Ratify without delay the International Convention for the Protection of All Persons from Enforced Disappearance (Bosnia and Herzegovina);**

99.5 **Accelerate efforts to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Rwanda);**

99.6 **Accelerate the progress to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Iraq);**

99.7 **Proceed to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Serbia);**

99.8 **Intensify efforts to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone);**

99.9 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal) (Greece);**

99.10 **Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (France);**

99.11 **Consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Namibia);**

99.12 **Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Morocco) (Portugal) (Benin);**

** The conclusions and recommendations have not been edited.

99.13 **Speed up the process of the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Slovakia);**

99.14 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Kyrgyzstan); accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sierra Leone);**

99.15 **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Rwanda) (Philippines) (Nicaragua);**

99.16 **Consider ratifying the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (Nicaragua) (Philippines);**

99.17 **Sign and ratify relevant international instruments relating to refugees and asylum seekers (Benin);**

99.18 **Ratify the Council of Europe Convention on Prevention and Combating Violence against Women and Domestic Violence (Netherlands) (Austria); accede to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Turkey)**

99.19 **Ensure rapid ratification of the Council of Europe Convention on Prevention and Combating Violence against Women and Domestic Violence (Italy);**

99.20 **Strengthen its efforts to properly respond to allegations of domestic violence, including by training police officers, prosecutors and judges, and to ensure that women victims of violence obtain adequate redress and support (Austria);**

99.21 **Approve the budgetary funds needed to assume the obligations under the Council of Europe Convention on Prevention and Combating Violence against Women and Domestic Violence, and therefore proceed to its ratification (Spain);**

99.22 **Take concrete measures to fight all forms of violence against women, including by ratifying the Council of Europe Convention on Prevention and Combating Violence against Women and Domestic Violence (Germany);**

99.23 **Recognize the competence of the Committee on the Elimination of Racial Discrimination in pursuance to article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (Algeria);**

99.24 **Continue to strengthen its human rights framework, including through giving full implementation to existing institutional and legal protections (Australia);**

99.25 **Review compliance of the Criminal Code, which now defines domestic violence only as a bodily injury, with the Convention on the Elimination of All Forms of Discrimination against Women and as elaborated on in general recommendation No. 19 of the Committee on the Elimination of Discrimination against Women (Czech Republic);**

99.26 **Strengthen the legislation suppressing advocating crimes against humanity and ensure the training of judges on its application, as well as the issues of civic education in public schools (France);**

99.27 **Strengthen the legal framework in order to reduce the adverse effects affecting victims of domestic violence, in particular women (Angola);**

99.28 **Address the legislative gap that relates to domestic violence offences and update the Criminal Code to recognize domestic violence as a criminal offence (Trinidad and Tobago);**

99.29 **Translate the initiatives of the National Strategy for Protection against Domestic Violence 2011–2016 and the National Anti-Discrimination Plan 2008–2013 into concrete laws (Indonesia);**

99.30 **Redouble efforts aimed at the implementation of legal provisions against domestic and gender violence, with particular attention to raising the awareness and proper training of the police (Mexico);**

99.31 **Address remaining legislative and implementation gaps, including to fully protect and support victims (Australia);**

99.32 **Amend the social welfare act and other laws which deny persons with disabilities their right to work or which allow their placement in institutions without their consent (Mexico);**

99.33 **Decriminalize defamation (Estonia);**

99.34 **Review the legislation on defamation and strengthen the training for judges on the implementation of freedom of expression (France);**

99.35 **Consider reviewing its Aliens Act in favour of temporary residents on humanitarian grounds (Nigeria);**

99.36 **Intensify efforts at improving and strengthening its human rights institutions (Nigeria);**

99.37 **Increase the human and financial resources made available to the office of the ombudsperson to enable it to fulfil its expanded mandate (Sierra Leone);**

99.38 **Allocate the necessary resources to ensure the effective operation of the office of the ombudsman (Timor-Leste);**

99.39 **Even if only in a modest and gradual way, increase the personnel and financial allocations to the ombudsman in order to ensure that the stronger legal position of the office is also reflected in its human and financial capacities (Hungary);**

99.40 **Explore ways of providing the necessary resources to ensure the independent and effective operation of the ombudsman's office (Ukraine);**

99.41 **Consider establishing an interministerial committee responsible for the implementation of its international human rights obligations, inter alia, for coordinating the drafting of national reports to the treaty bodies (Portugal);**

99.42 **Finalize the draft strategy and action plan to combat corruption and effectively prosecute the perpetrators of corruption acts (Turkey);**

99.43 **Implement and apply human rights legislation in practice as well as implement the ombudsman's recommendations (Slovenia);**

99.44 **Consider developing human rights indicators, as suggested by OHCHR, as an instrument that allows for a more precise and coherent evaluation of national human rights policies (Portugal);**

99.45 **Continue implementing its various national programmes and policies, in particular the National Programme for the Protection and Promotion of Human Rights 2013–2016 and the action plan for removing barriers to achieving equal rights in the area of integration 2013–2015 (Indonesia);**

99.46 **Ensure the effective implementation of the new National Strategy for the Rights of Children 2014–2020 (State of Palestine);**

99.47 **Accelerate the effective implementation of the Convention on the Rights of Persons with Disabilities and its harmonization at the national level (Uruguay);**

99.48 **Intensify awareness-raising campaigns and education programmes on human rights in order to prevent ill-treatment of boys and girls (Uruguay);**

99.49 **Take all necessary measures to deter perpetrators and to develop programmes and policies in order to prevent sexual exploitation as well as programmes to socially reintegrate child victims (Timor-Leste);**

99.50 **Develop a policy, strategy and action plan to address the reportedly widespread violence against women (Sierra Leone);**

99.51 **Effectively implement the National Strategy of Protection against Family Violence 2011–2016 (Republic of Korea);**

99.52 **Intensify its efforts to ensure effective law enforcement for domestic violence against children and women, to bridge the gap between legislation and practice, along with enhancing awareness of victims' rights and training for public officers and legal professions (Thailand);**

99.53 **Step up efforts to effectively implement national strategies for gender equality (Morocco);**

99.54 **Continue efforts to generate greater inter-institutional coordination and availability of resources for the agencies responsible for the welfare of minors, both girls and boys (Chile);**

99.55 **Strengthen the national plan for combating discrimination through the incorporation of indicators and monitoring measures, through determination of the authorities responsible for its implementation and through a time frame for achievement of the goals (Mexico);**

99.56 **Promote inter-ethnic tolerance through adequate measures, including awareness-raising campaigns in the media in close cooperation with civil society and minority associations (Serbia);**

99.57 **Undertake awareness campaigns directed towards the judiciary with a view to promoting non-discrimination (Norway);**

99.58 **Dedicate additional resources to enhance the capacity of centres for victims of sexual and domestic violence (Norway);**

99.59 **Continue with its efforts in further increasing the awareness of gender equality and equal opportunities and foster implementation of its national policies in this regard (the former Yugoslav Republic of Macedonia);**

99.60 **Continue strengthening the programmes developed for the promotion of employment, right to food and social assistance for national minorities and other vulnerable sectors of the population (Bolivarian Republic of Venezuela);**

99.61 **Establish a sustainable cooperation between the Ministry of Interior and civil society organizations dealing with domestic and gender-based violence (Poland);**

99.62 **Continue the implementation of the plan on the deinstitutionalization and transformation of social welfare homes and on legal persons performing social welfare activities for 2011–2016, with a view to reducing the number of children in institutions (Slovakia);**

99.63 **Consider allocating necessary resources to support programmes which promote and protect the rights of persons with disabilities (Thailand);**

99.64 **Include civil society organizations in the process before finalizing and submitting the national report (Norway);**

99.65 **Submit its overdue reports to the human rights monitoring bodies (Portugal);**

99.66 **Submit its second periodic national report to the Committee on Economic, Social and Cultural Rights, which has been due since 2006 (Republic of Korea);**

99.67 **Strengthen efforts towards promotion of gender equality (Cyprus);**

99.68 **Take further steps to ensure and enhance women's rights on all levels (Greece);**

99.69 **Enhance efforts to fight all forms of discrimination against women and gender-based violence (Italy);**

99.70 **Fully ensure gender equality in employment and in political posts (Russian Federation);**

99.71 **Adopt specific legislation pertaining to gender discrimination in the labour market, including sexual harassment in the workplace and discrimination on the grounds of pregnancy and/or maternity (Trinidad and Tobago);**

99.72 **Ensure the elimination of any form of discrimination against children, especially children in marginalized and disadvantaged situations (Turkey);**

99.73 **Eliminate discrimination in employment, particularly for women and members of the Roma population, pursuant to recommendations of the International Labour Organization supervisory bodies; (United States of America);**

99.74 **Streugthen non-discrimination against women, particularly in the workplace (Algeria);**

99.75 **Intensify efforts to detect, prevent and combat trafficking in children for sexual and other types of exploitation (Uruguay);**

99.76 **Step up the fight against racism, xenophobia and hate speech and adopt measures to promote poverty reduction, social inclusion and social assistance (Angola);**

99.77 **Strengthen human rights protections for lesbian, gay, bisexual and transgender persons, in line with Croatia's international obligations and commitments as well as with domestic legislation (United States of America);**

99.78 **Continue to further improve conditions for juveniles in pretrial detention facilities (Georgia);**

99.79 **Continue its efforts to reduce overcrowding in prisons and improve detention conditions, including by promoting diversion and other alternatives to detention where possible (Austria);**

99.80 **Step up efforts to combat the overcrowding of prisons, and in particular provide more correctional detention facilities for female prisoners (Republic of Korea);**

99.81 **Implement programmes and policies for the prevention of all forms of violence against children, including sexual exploitation and abuse, and to strengthen social recovery and reintegration of child victims (Republic of Moldova);**

99.82 **Continue ensuring effective implementation of its domestic laws on the protection of the family and prevention of violence against women and children (Israel);**

99.83 **Reinforce its efforts to protect children, especially those in marginalized and disadvantaged situations (Maldives);**

99.84 **Redouble efforts in combating domestic violence and violence against women, including through ensuring effective implementation of the National Strategy of Protection against Family Violence 2011–2016 (Malaysia);**

99.85 **Further strengthen measures to prevent and punish trafficking in persons, especially women and children, with the prosecution of offenders and rehabilitation of victims (Bolivarian Republic of Venezuela);**

99.86 **Implement the Human Rights Committee's March 2015 recommendations on gender-based violence (Bulgaria);**

99.87 **Work towards the compliance of pretrial detention (remand) procedures, which includes children, with international law standards and national regulations (Libya);**

99.88 **Investigate and prosecute all cases of arbitrary detention in psychiatric hospitals and social care institutions, in line with the recommendation made by the Special Rapporteur on violence against women (Germany);**

99.89 **Increase the number of investigations, intensify the investigative work and improve the efficiency of judicial procedures before national courts in the case of crimes committed during the war of the 1990s and strengthen efforts to determine the fate of all missing persons in Croatia (Switzerland);**

99.90 **Investigate all unresolved cases of missing persons and bring perpetrators to justice (Estonia);**

99.91 **Enhance training methods for collecting evidence against suspected human traffickers to increase successful prosecutions, and ensure convicted trafficking offenders are punished with sentences commensurate with the gravity of the crime (United States of America);**

99.92 **Take urgent steps to ensure that women victims of wartime violence have access to justice and reparation, including adequate psychosocial and economic support, as well as access to health-care services (Ireland);**

99.93 **Improve services and support for women victims of domestic violence by conducting effective investigations, vigorously prosecuting the perpetrators, ending the practice of prosecuting victims and ensuring victims have access to protection and shelters (Canada);**

99.94 **Tackle the subject of torture in a comprehensive way, including by fighting impunity and providing for compensation of victims (Costa Rica);**

99.95 **Prosecute all cases of human rights violations, war crimes and crimes against humanity in a non-discriminatory and impartial manner, consistent with the requirements under the International Covenant on Civil and Political Rights (Serbia);**

99.96 **Continue working particularly with regard to protecting the rights of victims of sexual violence and domestic violence, in particular through training of health, police and judicial personnel (Uruguay);**

99.97 **Further step up its efforts to investigate and prosecute effectively war crimes and strengthen the capacity of domestic courts and witness protection mechanisms in this regards (Czech Republic);**

99.98 **Enhance the capacity of domestic courts and witness protection mechanisms so as to improve the efficiency in domestic war crimes prosecutions (Austria);**

99.99 **Increase the administrative capacity of courts to a sufficient level, to provide adequate support and protection to witnesses, to accelerate the investigation and prosecution of war crimes and to take the necessary steps to excavate all known mass/common graves and to identify all the remains (Netherlands);**

99.100 **Continue and deepen the measures necessary for the investigation and punishment in the courts of persons suspected of participation in war crimes and crimes against humanity (Argentina);**

99.101 **Demonstrate a clear track record of war crime cases which shows standardized sentencing through a fair and non-discriminatory process (United Kingdom of Great Britain and Northern Ireland);**

99.102 **Ensure accountability for all manifestations of ethnicity-based hate speech, racism and extremist rhetoric in the public sphere (Serbia);**

99.103 **Ensure efficient, non-discriminatory investigations and timely prosecutions as part of the enforcement of hate crime legislation (United Kingdom of Great Britain and Northern Ireland);**

99.104 **Give impetus to accelerate the regional process on the question of the thousands of persons who are still missing, which is vital for the rule of law as well as for regional reconciliation (France);**

99.105 **Continue the actions undertaken in the criminal processing of war crimes (France);**

99.106 **Continue ensuring the prosecution of cases of hate crimes (Israel);**

99.107 **Take effective measures to investigate and prosecute war crimes, including rape and other sexual abuse, and ensure that war crimes trials are carried out expeditiously and fairly by an independent and impartial tribunal (Canada);**

99.108 **Step up its efforts to curb domestic violence (Philippines);**

99.109 **Promote policies and educational campaigns for the promotion and protection of the rights of women, and ensure that all allegations of violence against women are promptly, thoroughly and effectively investigated, that perpetrators are held accountable and that women victims of violence obtain adequate redress, including compensation and rehabilitation (Brazil);**

99.110 **Continue to provide adequate funding to its anti-human trafficking programmes and free legal aid system (Philippines);**

99.111 **Strengthen the accountability and prosecution of law enforcement officers who commit abuses against lesbian, gay, bisexual and transgender persons and ethnic minorities (Chile);**

99.112 **Continue to realize the right to work for its citizens, including through providing opportunities for vocational training and technical education for young people (Egypt);**

99.113 **Continue working for a reduction in female unemployment and the elimination of discrimination against women in the labour market and for achieving equality of opportunities (Cuba);**

99.114 **Strengthen efforts on the empowerment of women by implementing programmes aimed at changing society's perception of women and removing barriers affecting the employment of women (Malaysia);**

99.115 **Continue the effective implementation of the action plan on employment for minority groups to achieve the set targets (China);**

99.116 **Continue its efforts to reach the threshold of 5.5 per cent share of minorities in the total number of employees, in line with the Action Plan for the Employment of National Minorities in Public Administration Bodies 2011–2014, in particular in those regions where minorities have significant presence (Hungary);**

99.117 **Take measures to safeguard the right to an adequate standard of living, including by expediting the return of Croatian Serbs to their homes and by upholding commitments under the regional housing programme (Canada);**

99.118 **Continue ensuring the full realization of the right to safe drinking water and sanitation for all (Egypt);**

99.119 **Strengthen the welfare system, particularly related to the protection of children without appropriate care and their access to education (Slovenia);**

99.120 **Realize the right to adequate housing by ensuring the right of post-war returnees to recover privately owned housing, regardless of their ethnic background, and by improving housing conditions in returnee communities (Germany);**

99.121 **Take further measures with a view to ensure that all children enjoy equal access to health services (Ukraine);**

99.122 **Take steps to ensure adequate support and access to health-care facilities for those in rural areas (Maldives);**

99.123 **Work towards more balanced geographical coverage of health-care services with specific focus on rural areas (Egypt);**

99.124 **Adopt clear, appropriate measures to improve the rights of children to education (Libya);**

99.125 **Establish State-wide inclusive education, including through the allocation of necessary resources, and provide regular training for school personnel (State of Palestine);**

99.126 **Ensure that children in vulnerable and disadvantaged situations have equal access to education (Armenia);**

99.127 **Continue its efforts aimed at ensuring equal access to education, including to children in vulnerable and disadvantaged situations (Romania);**

99.128 **Increase its efforts to ensure that children in vulnerable situations, including Roma children, have equal access to education and to end segregation of Roma children in schools (Austria);**

99.129 **Intensify efforts towards providing all children with equal access to education, including the Roma children (Nigeria);**

99.130 **Consider ensuring an effective, inclusive education for children with disabilities, and to improve universal design to ensure accessibility to everyone (Israel);**

99.131 **Elaborate integrated measures to ensure unimpeded access for persons with disabilities (Russian Federation);**

99.132 **Take all necessary measures to lift all existing barriers in the enjoyment of the rights of persons with disabilities, with particular attention to their right to live independently, to have access to adequate health care services and to be integrated in the community (Greece);**

99.133 **Develop further actions to improve community services and support for persons with disabilities (Cuba);**

99.134 **Ensure that services for persons with disabilities support to the greatest extent possible their independence and that more community-based living choices are created for them in compliance with the Convention on the Rights of Persons with Disabilities (Czech Republic);**

99.135 **Take all appropriate measures to ensure the rights of people with mental or intellectual disabilities (Cyprus);**

99.136 **Provide facilities to ensure that persons with disabilities can live independently, have access to public and private buildings and have equal opportunities to education, employment and health services, with a support structure particularly for children so challenged (Trinidad and Tobago);**

99.137 **Refrain from institutionalizing children with disabilities, and ensure sufficient alternative family- and community-based care options for children with disabilities (Ireland);**

99.138 **Monitor the implementation and ensure compliance with the law on vocational rehabilitation to make sure that persons with disabilities are not subject to discrimination and have equal opportunities to find employment (Sweden);**

99.139 **Provide comprehensive care to victims of landmines and cluster munitions through its development plans and the application of the Convention on the Rights of Persons with Disabilities (Costa Rica);**

99.140 **Continue to develop measures that guarantee inclusive education for children and girls with disabilities without discrimination, with particular emphasis on rural areas (Spain);**

99.141 **Adopt further measures in order to ensure the participation of persons belonging to national minorities in the decision-making process (Romania);**

99.142 **Take all necessary measures to provide equal access to all public services for all members of minority groups in the country (Namibia);**

99.143 **Take effective measures to end all forms of discrimination against ethnic minorities, in particular the Serb minority and the Sinti and Roma (Germany);**

99.144 **Continue its efforts to combat discrimination and ensure equal treatment of all ethnicities and minorities (Ukraine);**

99.145 **Fully recognize the situation of the minority groups and take ample action in order to meet these challenges, including combating discrimination against minority groups, not least the Serb and Roma minorities (Sweden);**

99.146 **Fully ensure linguistic, religious and other rights of minorities, in compliance with international obligations (Russian Federation);**

99.147 **In light of the recommendation of the Committee on the Rights of the Child, act on combating discrimination by targeting situations of discrimination and vulnerability affecting children belonging to all minorities (Nicaragua);**

99.148 **Continue work for improving the rights of the Roma community, in compliance with the national strategy for the inclusion of Roma and the Action Plan for the Decade of Roma Inclusion (Albania);**

99.149 **Step up existing efforts towards the protection of the rights of minorities, especially by fighting discrimination against children of Roma descent in the field of education, and by guaranteeing the right to adequate housing of the Serbian minority (Brazil);**

99.150 **Intensify its efforts to promote inter-ethnic harmony through education, and implement concrete measures for the integration of minorities into Croatian society (Norway);**

99.151 **Continue efforts to facilitate the professional, social and economic inclusion of all national and ethnic and other minority groups, including the Serbian minority, represented in Croatia (Poland);**

99.152 **Take measures aimed at increasing the representation of minority groups in the public and private spheres (Armenia);**

99.153 **Ensure that the Serbian minority is not discriminated against in the provision of posts in the public sector and in real estate acquisitions or rental applications (Switzerland);**

99.154 **Take further concrete and effective steps towards protection and social inclusion for all minority groups (Australia);**

99.155 **Enhance efforts to fight discriminatory attitudes and behaviours against all persons belonging to minority groups, including by allowing the use of one's own language at school and in interaction with the public administration (Italy);**

99.156 **Fully implement the Constitutional Act on the Rights of National Minorities and take action to implement Constitutional Court decisions**

regarding the Act on Usage of Languages and Scripts of National Minorities (Canada);

99.157 **Provide full respect of minority rights guaranteed by positive legislation, including the right to use minority languages and scripts, specifically the Cyrillic script (Serbia);**

99.158 **Continue to implement the State policy on immigration, and constantly adjust and improve the policies and measures according to the new situations of the protection of the rights of migrants (China);**

99.159 **Review its asylum procedures to increase the efficiency of the asylum granting processes and ensure the protection of unaccompanied migrant children (Sweden);**

99.160 **Further sensitize the Croatian public to the asylum question, in order to facilitate the integration of asylum seekers (Sweden);**

99.161 **Continue its efforts to meet the benchmarks of the action plan regarding the building of the housing units for the returnees (Albania);**

99.162 **Adopt measures that guarantee access to rights for all people returning to the country irrespective of the cessation of the condition of refugees (Argentina);**

99.163 **Continue to implement the obligations deriving from the Sarajevo Declaration vis-à-vis the successful integration of refugees and to further accelerate the implementation of the existing national housing care programme (Bosnia and Herzegovina);**

99.164 **Give more priority to returnee communities for economic development initiatives, so that returnees are given easier access to social welfare systems and to take effective measures to recognize their years of work and their right to a pension (Bosnia and Herzegovina);**

99.165 **Ensure for asylum-seeking children effective and non-discriminatory access to education (Kyrgyzstan);**

99.166 **Protect the rights of minorities, in particular by providing access to basic services for the Roma minority, including the ability for stateless Roma to obtain Croatian nationality, in accordance with its human rights obligations (Switzerland);**

99.167 **Continue ongoing efforts, both nationally and in its bilateral dialogue with Serbia, to ensure the return of refugees and displaced Croatians of Serbian origin to their homes and the recovery of all their rights, especially with regard to their property, pensions and social rights, thereby ensuring a comprehensive solution to a problem that affects both Croatians of Serbian origin and Serbs of Croatian origin (Spain).**

100. **All conclusions and recommendations contained in the present report reflect the position of the submitting States and the State under review. They should not be construed as endorsed by the Working Group as a whole.**

III. Voluntary pledges and commitments

101. Croatia took the opportunity to announce that the midterm universal periodic review will be prepared in order to address the level of implementation of all recommendations received from the second cycle.

Annex

[English only]

Composition of the delegation

The delegation of Croatia was headed by H.E. Ms. Vesna Pusić, First Deputy Prime Minister and Minister of Foreign and European Affairs, and composed of the following members:

- H.E. Ms. Vesna Vuković, Ambassador and Permanent Representative, Permanent Mission of the Republic of Croatia to the United Nations in Geneva
- Ms. Vesna Batistić Kos, Assistant Minister, Ministry of Foreign and European Affairs of the Republic of Croatia
- Mr. Krešo Glavač, Head of Minister's Office, Ministry of Foreign and European Affairs of the Republic of Croatia
- Ms. Danijela Barišić, Spokesperson, Ministry of Foreign and European Affairs of the Republic of Croatia
- Mr. Ivan Crnčec, Assistant Minister, Ministry of Justice of the Republic of Croatia
- Mr. Branko Sočanac, Director, Government Office for Human Rights and Rights of National Minorities of the Republic of Croatia
- Mr. Dražen Vitez, Deputy of General Police Director for General Police Matters, Ministry of Interior
- Ms. Dubravka Marušić, Head of Sector for Social Policy and Policies for Children, Youth and Family, Ministry of Social Policy and Youth of the Republic of Croatia
- Ms. Ana Puljić Žunjić, Head of the Division for Human Rights and Regional International Organisations and Initiatives, Ministry of Foreign and European Affairs of the Republic of Croatia
- Ms. Zvjezdana Janičar, Head of Service for Persons with Disabilities, Ministry of Social Policy and Youth
- Mr. Josip Paradžik, Senior Advisor Specialist, Ministry of Interior of the Republic of Croatia
- Ms. Romana Kuzmanić Oluić, Counsellor, Division for Human Rights and Regional International Organisations and Initiatives, Ministry of Foreign and European Affairs of the Republic of Croatia
- Ms. Tatjana Vlašić, Adviser, Government Office for Human Rights and Rights of National Minorities of the Republic of Croatia
- Ms. Ivana Kožar Schenck, Third Secretary, Permanent Mission of the Republic of Croatia to the United Nations in Geneva
- Ms. Katarina Andrić, Attaché, Division for Human Rights and Regional International Organisations and Initiatives, Ministry of Foreign and European Affairs of the Republic of Croatia
- Mr. Tomislav Boršić, Expert Assistant, Department for Cooperation with International Criminal and Other International Courts, Directorate for European Affairs, International and Judicial Cooperation, Ministry of Justice of the Republic of Croatia

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Report of the Working Group on the Universal Periodic Review*

Jamaica

* The annex to the present report is circulated as received.

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-second session from 4 to 15 May 2015. The review of Jamaica was held at the 15th meeting, on 13 May 2015. The delegation of Jamaica was headed by Mark Golding. At its 17th meeting, held on 15 May 2015, the Working Group adopted the report on Jamaica.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Jamaica: Algeria, Estonia and Japan.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Jamaica:

(a) A national report (A/HRC/WG.6/22/JAM/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (A/HRC/WG.6/22/JAM/2);

(c) A summary prepared by OHCHR (A/HRC/WG.6/22/JAM/3).

4. A list of questions prepared in advance by Germany, Liechtenstein, Mexico, Norway, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, and the United States of America was transmitted to Jamaica through the troika. These questions are available on the extranet of the Working Group.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The representative of the State under review stated that, as a newly independent country, Jamaica had initiated and advocated for the International Year for Human Rights as part of a focused attempt to define an international human rights landscape with agreed principles, guaranteeing fundamental freedoms and rights for all peoples. The Constitution guaranteed the protection of the human rights of all Jamaicans regardless of colour, class or creed. Since 2011, these rights had been further expanded through the Charter of Fundamental Rights and Freedoms. It also highlighted that the Charter applied vertically to the State and also horizontally among persons, therefore inculcating respect for human rights at all levels of society by holding all persons, including the State, accountable.

6. Jamaica had embarked on a path of national transformation through the national development plan for 2009–2030, Vision 2030 Jamaica, which revolved around four national goals: Jamaicans are empowered to achieve their fullest potential; Jamaican society is secure, cohesive and just; the economy is prosperous; and the country has a healthy natural environment.

7. Efforts were ongoing to address the impact on the country's economy of the 2008 global economic recession. The most central adjustment, aimed at reducing the overall debt burden, was the maintenance of a large primary surplus (7.5 per cent of the gross domestic product) for at least four years, an adjustment that limited the availability of resources for a range of policies and programmes in the social sector.

8. The Government's economic reform programme had yielded positive results, including unemployment reduction, economic growth, reduced inflation, a narrowing of the current-account deficit and increased local and foreign investments.

9. The needs of the vulnerable remained a top priority for the Government, which is why the first comprehensive social protection strategy of Jamaica had been developed in 2013 and, in March 2014, the Cabinet had approved a social protection strategy. The Government was currently developing a new national poverty policy and programme and a poverty reduction coordination unit had been established in the Planning Institute of Jamaica to oversee this process.

10. The Government understood that seeking to reduce crime and violence and improve social harmony were not incompatible with a sustained commitment to human rights but rather complementary. The Charter of Fundamental Rights and Freedoms afforded protection to the rights and freedoms of persons to the extent that those rights and freedoms did not prejudice the rights and freedoms of others. The Government thus remained determined to reduce crime and violence, including through an increased emphasis on social interventions, community programmes and more effective policing. The Jamaica Constabulary Force had acquired new equipment and technology, established additional posts and increased recruitment, and Jamaica had registered a marked downward trend in serious crimes over the past five years.

11. Regarding recommendations made during the first universal periodic review of Jamaica, the Cabinet had approved the establishment of an inter-agency steering committee on the review, which had been given the following tasks: to review the recommendations that Jamaica had accepted during the 2010 review; to develop an action plan, including strategies and timelines, to advance the implementation of those recommendations; to support efforts aimed at raising awareness about the promotion and protection of human rights; and, where necessary, to recommend possible changes to existing pieces of legislation.

12. Since its review, Jamaica had ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and would consider ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities. In addition, Parliament had passed a comprehensive Disabilities Act in October 2014.

13. Jamaica had submitted reports to the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.

14. Jamaica was still putting in place the relevant domestic legislation that could give effect to the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; acts of torture had never been condoned nor accepted as a practice in Jamaica. Significant progress was being made in addressing many of the recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in his report on his visit to Jamaica in 2012, including concerning conditions in detention facilities.

15. Jamaica was at an advanced stage in the drafting of the legislation to bring its domestic law into compliance with the Rome Statute of the International Criminal Court. The Cabinet had already approved ratification of the Rome Statute once the required domestic legislation was in place.

16. At the primary and secondary levels, human rights education was included in the national curricula and in all levels of teacher training. The Jamaica Constabulary Force had

included fundamental human rights in its basic police training and had a highly qualified team of trainers.

17. The Government was actively pursuing the establishment of a national human rights institution and Jamaica already had an effective, extensive network of institutions mandated to protect the rights of Jamaicans. The plan was to establish a national human rights institution by expanding the role and functions of existing entities.

18. Jamaica regarded special procedures rapporteurs as constructive players in the international human rights framework. It was not opposed to accommodating visits of special rapporteurs, which were considered on a case-by-case basis. It added that adequate notice should be given to the Government to ensure that the necessary arrangements were in place for a successful visit, in accordance with mutually agreed dates. Jamaica recommended to the Human Rights Council that a mechanism should be put in place that allowed for information to be shared among these various human rights bodies and procedures, as there were often overlapping requests that were not only inefficient but also unduly stretched the country's limited resources.

19. Justice reform was a priority for the Government. The justice reform implementation unit, established in 2012, coordinated, monitored and supported the timely delivery of all justice-sector reform initiatives, driving the implementation of the justice reform agenda. Several projects, programmes and legislation had been developed over the past three years in support of a more efficient criminal justice system, including the Evidence (Amendment) Act, aimed at reducing sources of lengthy delay and unnecessary costs in the court process; the Administrator General (Amendment) Act, which would facilitate the speedier processing of intestate estates and substantially reduce burden of cases; the Criminal Records (Rehabilitation of Offenders) (Amendment) Act 2014, which reduced the period required before persons convicted of less serious offences could have their convictions removed from the criminal records; the Dangerous Drugs (Amendment) Act 2015, which removed the powers of arrest and detention in relation to the possession of small quantities or smoking of ganja, and possession of same would no longer be prosecuted in the courts. The Act also recognized the indigenous Rastafari community, and protected their constitutional right to freedom of religious expression by including special measures relating to the cultivation and use of the ganja plant for sacramental purposes. Flogging and whipping, forms of inhumane judicial punishment dating from the era of slavery and colonialism, had been legislatively abolished in 2012.

20. A national restorative justice programme was being established to ensure increased access to justice for citizens. The programme also encouraged increased public confidence and trust in the justice system by fostering greater participation in and ownership of restorative justice processes by communities and victims.

21. Regarding crime, justice and police reform, the delegation reported that a series of measures had been taken to enhance operational and administrative efficiency and reduce serious crime, including the successful merger of the Island Special Constabulary Force into the Jamaica Constabulary Force, and an increase in police recruitment, which had contributed to the ongoing improvement of crime statistics, with a 17 per cent decline in serious and violent crimes in 2014 over 2013.

22. The delegation reported the passing of important legislation relating to law enforcement, including the Law Reform (Fraudulent Transactions) (Special Provisions) Act and the Criminal Justice (Suppression of Criminal Organisations) Act, and legislation that would establish a national DNA database.

23. A data system to facilitate the operation of the sex offenders registry had been completed in 2014. Under the Sexual Offences Act, persons convicted of certain offences, including rape, abduction and the sale of or trafficking in persons, are included in the sex

offenders registry. The Department of Correctional Services would monitor registered sex offenders for the period stipulated by law after their release from custody.

24. On the 2010 operation in Tivoli, following an investigation by the Office of the Public Defender, a report had been submitted in April 2013, recommending, inter alia, the establishment of the Commission of Enquiry into the activities. The terms of reference for the Commission had been finalized after a process of public consultation and that the Commission had been working since December 2014.

25. Although there was a de facto moratorium on the application of the death penalty, no decision had been taken to abolish it from the law books. Individual petitioners retained the right to petition the Inter-American Commission on Human Rights.

26. The Government was strongly opposed to killings resulting from the excessive use of force by State agents and the Jamaica Constabulary Force had put in place a policy aimed at the protection of human rights, in particular the right to life, by enforcing regulations on the use of force, including firearms, in conformity with national and international laws. The policy had been supported by the establishment of the independent commission of investigations in 2010 as an institution dedicated to ensuring that allegations of the excessive use of force are investigated in a prompt, independent and effective manner. The delegation also said that the Government had increased the commission's financial, technical and human resources.

27. As a result of these measures, Jamaica had recorded a reduction of over 50 per cent in security-force-related fatalities in 2014 compared with 2013 and that the trend had continued in 2015. The Government also continued to act to ensure that police officers implicated in cases of excessive use of force and who had fled the country were extradited, where possible, to answer charges.

28. The protection of the vulnerable in society, particularly children, the elderly, women and the disabled, remained of paramount importance to Jamaica. For the protection of children, a national plan of action for an integrated response to Children and Violence was being developed. The Government had in 2004 established a comprehensive network of institutions mandated to protect the rights of children and ensure their well-being. The Ananda alert system, established in March 2013 through the Office of the Children's Registry, was a nationwide system used for the safe and speedy recovery of missing children, and had recorded some success since its inception.

29. Jamaica was firmly committed to improving conditions in the operation of lock-ups and correctional facilities in order to meet international human rights standards. However, several obstacles needed to be overcome, in particular the long-outdated physical infrastructure of the lock-ups and prisons. Notwithstanding these challenges, meaningful improvements had been made in the past two years, including a reduction in the number of juveniles in correctional or remand facilities and a 25 per cent decrease in 2014 in the number of persons in police custody.

30. A national policy for gender equality had been put in place in 2011. According to a study conducted in 108 countries by the International Labour Organization, Jamaica ranked highest in the world in the percentage of women managers, at 59.3 per cent.

31. Gender-based violence remained a challenge that required a multi-faceted approach. A national strategic plan of action to eliminate gender-based violence was being finalized as part of a strengthened effort to address gender-based violence in all its forms.

32. The national task force against trafficking in persons was raising awareness among the public of the problem of trafficking and in 2013 the Trafficking in Persons Act had been amended, widening the offence of human trafficking to include debt bondage and offences similar to trafficking and establishing a mandatory order for restitution for victims of

trafficking. Eight trafficking in persons cases were currently before the court. The delegation considered that, owing to the clandestine nature of the crime, it was increasingly difficult to secure convictions as victims and witnesses were often reluctant to testify.

33. The Constitution of Jamaica and the Charter of Fundamental Rights and Freedoms Act (2011) guaranteed certain State protection to persons with disabilities. The Disabilities Act 2014 sought to promote, protect and facilitate the full and equal enjoyment of all fundamental rights and freedoms for persons with disabilities.

34. The 2009 policy on refugees, which was guided by the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, had established the procedures for managing the refugee-status determination process.

35. A national policy and plan of action on international migration and development had been adopted. The Constitution guaranteed basic human rights to all Jamaicans and prohibited discrimination on the basis of sex or gender. In order to create greater understanding of the concerns of the lesbian, gay, bisexual and transgender community, several initiatives had been put in place. The Jamaica Constabulary Force had already established a clear policy of engagement with the that community, including human rights training and awareness-raising. Its diversity policy included objectives such as fostering public confidence by demonstrating fairness, integrity, tolerance and understanding, providing the necessary support to victims and eliminating fear of reporting crime and violence.

36. The delegation highlighted that the Jamaican Government remained committed to implementing the recommendations arising from the universal periodic review and would endeavour to uphold its demonstrated tradition of respect for the rule of law.

37. As a small island developing State that was highly indebted, Jamaica had capacity constraints and was vulnerable to external shocks that posed very real constraints on its ability to implement the full range of measures that would enable all citizens to enjoy their civil, political, social and cultural rights. The representative of Jamaica expressed gratitude to the many bilateral partners that had offered technical and other assistance to ensure the development of national capacities to meet the State's obligations to the people of Jamaica. In conclusion, he said that Jamaica hoped to continue to have meaningful partnerships, at home and abroad, striving to strengthen the human rights and dignity of the Jamaican people.

B. Interactive dialogue and responses by the State under review

38. During the interactive dialogue, 64 delegations made statements. Recommendations made during the dialogue can be found in section II of the present report.

39. Sweden asserted that, according to reports, hostility and violence perpetrated against Jamaicans who are either lesbian, gay, bisexual or transgender is widespread, and that despite the fact that more of these persons were reporting acts of violence and discrimination to the police, many incidents remained unreported.

40. Thailand encouraged Jamaica to work towards a permanent coordination structure to monitor and report on human rights obligations. It raised concerns about reports of excessive use of force by law enforcement personnel, and hence welcomed the establishment of the independent commission of investigations.

41. Timor-Leste welcomed the adoption of the Charter of Fundamental Rights and Freedoms, the Sexual Offences Act and the Child Pornography Prevention Act. It remained concerned by the prevalence of trafficking in persons despite the existence of a national plan of action.

42. Togo praised the progress in gender equality, with the appointment of a woman as Prime Minister and with 21 per cent of Parliament being women. It commended Jamaica on the protection of persons with disabilities through the 2014 Law and the Vision 2030 Jamaica national development plan.

43. Trinidad and Tobago also applauded the Vision 2030 Jamaica national development plan, which integrated a wide spectrum of socioeconomic human rights objectives. It commended Jamaica on its national energy policy and its target to achieve 30 per cent of renewable energy by 2030.

44. Turkey enquired about the social-development strategy drawn up in 2013. It echoed the concerns of the Committee on the Elimination of Discrimination against Women on the high incidence of domestic violence. It encouraged the finalization and implementation of the national strategic plan of action to eliminate gender-based violence.

45. The United Kingdom of Great Britain and Northern Ireland urged the Government to implement fully comprehensive anti-discrimination legislation. It welcomed the steps taken to identify and prosecute members of the security forces involved in acts of corruption or violence against civilians.

46. France deplored the persistence of discrimination and violence against lesbian, gay, bisexual and transgender persons. It raised concerns over police violence and the conditions in detention. To improve the situation, it encouraged Jamaica to implement effectively the control procedures based on national laws.

47. Uruguay highlighted the emphasis on early education and the implementation of the "tablets in schools" pilot programme. It congratulated Jamaica on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the ongoing consideration of the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

48. The Bolivarian Republic of Venezuela noted that notwithstanding the challenges of climate change, Jamaica had demonstrated its commitment to implementing the recommendations from the first cycle. It welcomed the implementation of the national development plan and the gender equality policy, as well as efforts for the protection of the rights of persons with disabilities.

49. Algeria welcomed the progress made by Jamaica since the first review, including the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It commended the country on the measures taken to provide better protection to women, on the efforts to strengthen gender equality and on the national development plan.

50. Angola commended Jamaica on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the submission of the fourth periodic report under the International Covenant on Civil and Political Rights. It encouraged Jamaica to continue its cooperation with the special procedures mandate holders. It remained concerned over conditions at correctional facilities.

51. Argentina thanked the delegation for the presentation of the national report. It congratulated Jamaica on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography following the first review.

52. Australia remained concerned at the high levels of physical and sexual violence against women and girls, that a formal moratorium on the death penalty had not been

adopted and at the high numbers of police killings. It welcomed the willingness of Jamaica to engage actively in the universal periodic review process.

53. Barbados noted progress on enhancing gender equality and on the empowerment of women and girls. It urged Jamaica to prioritize finalizing and implementing the national strategic plan of action to eliminate gender-based violence. It viewed as positive the efforts to enhance the security of citizens.

54. Botswana commended Jamaica on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as recommended in the first review cycle. It encouraged Jamaica to finalize and fully implement the national strategic plan of action to eliminate gender-based violence and step up its efforts to combat trafficking in persons.

55. Mexico noted the progress made since the last review. It commended Jamaica on the changes in the legal framework, in particular the adoption of initiatives to eliminate gender violence, as well as efforts to secure general access to drinking water.

56. Cabo Verde praised the spectrum of measures taken to implement the recommendations from the first review cycle through the adoption of legislative measures the creation of institutions and the adoption of policies and plans relating to gender-based violence, judicial reform, law enforcement abuse, human trafficking and social protection.

57. Canada welcomed the steps taken by the Ministry of Justice in collaboration with the Commonwealth Secretariat towards the establishment of a national human rights institution and encouraged continued efforts in this area.

58. Chile noted that the Charter on Fundamental Rights and Freedoms did not protect against all forms of discrimination. It praised the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Chile regretted the non-abolition of the death penalty.

59. China highlighted in particular the progress made by Jamaica in the implementation of the national development plan, the strengthening of social security and the recovery of the economy. China further recognized the efforts made in the areas of gender equality, improvement of the legal system and human rights education.

60. Colombia highlighted the commitment of Jamaica to promoting and protecting human rights, recognizing in particular the Charter of Fundamental Rights and Freedoms. Colombia noted efforts to implement recommendations from the first cycle, particularly those made by Colombia on women's rights.

61. Jamaica thanked countries for their recognition of the progress Jamaica had made in the area of human rights and noted the observations and recommendations made. The delegation recalled that many of the questions raised had already been addressed in its report and in the statement, specifically those regarding the Convention against Torture, the death penalty, the use of force by police, the visits by the special procedures, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the lesbian, gay, bisexual, transsexual and intersex community.

62. With regard to a reference to the killing of human rights defenders, the delegation said that the Government was not aware of there being any killing or adverse treatment of human rights defenders, who were accorded a great deal of respect, had full access to the media and had assisted greatly in the progress Jamaica had made in human rights.

63. As to the project on justice reform, the delegation said that, owing to a lack of resources in the area, these issues had to be approached through non-funded activities such as procedural reforms.

64. In relation to the social intervention programmes, the delegation said that the Path programme was the country's safety-net programme which provided for cash transfers that were based on children attending school, basic public health, inoculations etc., and had generally been considered successful. The delegation added that payments were differentiated to improve the school-attendance levels of students, especially boys. It also mentioned transitional grants to complete secondary school, bursaries for third-level students based on their academic achievement, transportation allowances and the food programme for schools.

65. Regarding a comment about the incarceration of juveniles, the delegation stated that this was no longer the case, as for both males and females there were separate facilities for juveniles from adults. The only exception was if a juvenile was of a particularly serious risk to other juveniles and had to be housed in especially secure accommodation, and there were few such cases.

66. Costa Rica welcomed the commitment of Jamaica to consolidating democracy. It was concerned at the excessive use of force by security forces and therefore welcomed the creation of the independent commission of investigations. It hoped that the national strategic plan of action to eliminate gender-based violence would be promptly adopted.

67. Cuba recognized the progress made in the implementation of recommendations from the first cycle. It highlighted the national development plan, the social protection strategy, the ongoing work on the national strategic plan of action to eliminate gender-based violence and efforts to improve the situation in places of detention.

68. Cyprus welcomed the fact that Jamaica had abstained from applying the death penalty for 25 years. It expressed concern, however, that the Government was not considering abolishing capital punishment.

69. The Democratic Republic of the Congo praised the adoption of the national plan Vision 2030 and the establishment of the independent commission of investigations. It noted the strengthening of freedom of expression through the adoption of new laws.

70. Denmark was pleased to learn that Jamaica was currently working to put in place relevant legislation with a view to ratifying the Convention against Torture, in line with accepted recommendations from the first view. It noted that the Convention against Torture Initiative, which was a Government-to-Government exchange and cooperation initiative, stood ready to assist Jamaica if deemed useful.

71. The Dominican Republic commended Jamaica on the national development plan and the gender equality plan. It highlighted efforts to improve conditions in detention centres and invited Jamaica to become acquainted with its penitentiary system, which is used as a model by various countries in the region.

72. Ecuador recognized the efforts made to implement recommendations from the first review, in particular the adoption of legislative measures to eliminate discrimination and violence against women. It praised efforts for the promotion and protection of the rights of persons with disabilities, as part of the national development plan.

73. Egypt commended Jamaica on the adoption of the Charter of Fundamental Rights and Freedoms, the Sexual Offences Act and the Child Pornography Prevention Act. It expressed concern about trafficking in persons.

74. Estonia encouraged Jamaica to strengthen dialogue and cooperation with civil society in all fields. It commended Jamaica on the positive steps since the previous universal periodic review. It welcomed the adoption of legislative measures aimed at eliminating discrimination and violence against women and promoting gender equality. It

was concerned about the high level of violence and use of corporal punishment in the home and in schools.

75. The United States of America remained concerned about the involvement of government security forces in unlawful killings, laws prohibiting consensual same-sexual conduct, and violence and discrimination against the lesbian, gay, bisexual and transsexual community. It noted that despite the Government's efforts, trafficking for sex and forced labour involving children and adults persisted.

76. Germany remained concerned over the continued violence against women and lesbian, gay, bisexual and transsexual persons and the lack of investigations in cases of alleged extrajudicial killings. It encouraged ratification of the Convention against Torture, as well as the 1954 Convention relating to the Status of Statelessness Persons and the Second Optional Protocol to the International Covenant on Civil and Political Rights.

77. Guatemala praised the establishment of a national human rights institution. It echoed the recommendation of the Committee on the Rights of the Child to ratify the Convention against Torture and its Optional Protocol. Referring to the Office of the United Nations High Commissioner for Refugees, it encouraged the establishment of an impartial and swift refugee-status determination procedure in accordance with international norms.

78. Honduras applauded the efforts of Jamaica to implement previously accepted recommendations and make progress on human rights, particularly on gender equality. It commended the national development plan, Vision 2030, and the Law on Disability (2014).

79. India appreciated the cooperation between Jamaica and human rights mechanisms, as well as the national development plan, Vision 2030, the national restorative justice programme, and the independent commission of investigations. It asked about the social-protection strategy and about efforts to resolve community-level conflicts. It appreciated the efforts made to combat crime, violence and human trafficking. It encouraged strengthening the judiciary.

80. Indonesia commended Jamaica on the national policy for gender equality, independent commission of investigations and the national action plan on human trafficking. It acknowledged progress in addressing recommendations from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. It welcomed the decision to establish a national human rights institution.

81. Ireland congratulated Jamaica on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It encouraged extending a standing invitation to special procedures mandate holders. It was concerned that the Sexual Offences Act 2009 protected against marital rape only in certain circumstances. Ireland noted that Jamaica was considering establishing a national human rights institution.

82. Italy welcomed steps to implement the recommendations of the universal periodic review and the treaty bodies. It encouraged Jamaica to make further efforts to combat any form of discrimination.

83. Japan commended Jamaica on its gender equality policy, but was concerned about domestic and sexual violence against women. It encouraged further strengthening women's rights. Despite measures to protect children, Japan was concerned at child abuse. It was also concerned about detention conditions.

84. Malaysia appreciated efforts to train police and law enforcement personnel and to combat gender-based violence, as had been previously recommended by Malaysia. It lauded the national development plan, Vision 2030, and the ratification of the Optional

Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Malaysia noted achievements in gender equality.

85. Maldives commended Jamaica for the progress made in key areas since its last review, in particular achievements in addressing gender equality, non-discrimination and the empowerment of women. It further commended Jamaica on the recent social-protection strategy, which it said was essential in safeguarding the rights of vulnerable groups.

86. Mauritius commended Jamaica on its commitment to the universal periodic review process, highlighting legislative and institutional changes. It congratulated Jamaica on the steps taken to promote gender equality and the empowerment of women. It noted the positive steps towards the establishment of a national human rights institution.

87. Brazil stressed that more attention should be given to the rights of women, children, the lesbian, gay, bisexual and transsexual community and persons living with HIV/AIDS. It welcomed the legislative measures to eliminate discrimination against women. Brazil commended the implementation of the national development plan, Vision 2030.

88. Montenegro welcomed the legislative measures taken by Jamaica between the two review cycles, aimed at promoting gender equality and eliminating violence against women and girls. It asked about activities taken to strengthen the legislation framework and implementation of policies and programmes in the field of gender equality and the fight against homophobia and discrimination based on sexual orientation and gender identity.

89. Morocco encouraged Jamaica to continue to harmonize its national legislation with its international obligations. It welcomed the ratification of the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography. Morocco praised the legislative measures taken to eliminate discrimination against women and the policies to promote gender equality and to combat AIDS.

90. Namibia commended Jamaica on its national development plan, Vision 2030, and on its comprehensive social-protection strategy. It noted the explanation and comments given by the Jamaican delegation on the death penalty.

91. The Netherlands welcomed the Charter of Fundamental Rights and Freedoms, the Sexual Offences Act and the Child Pornography Act. It expressed concern about the violence against lesbian, gay, bisexual and transsexual persons and the abstention from signing the Rome Statute.

92. Nicaragua congratulated Jamaica on its measures to implement previous universal periodic review recommendations. It appreciated the national policy for gender equality and the social-protection policy.

93. Regarding the question of corporal punishment in schools, the delegation stated that regulations in Jamaica prohibited the use of corporal punishment. The delegation added that wider prohibition of corporal punishment in Jamaica was a culturally sensitive issue that was under consideration, and that no definitive position had been taken on that matter.

94. On the definition of marital rape in the Sexual Offences Act, the delegation asserted that the point was well taken and that the Act was under review by a select committee under Parliament, and one of the issues before the committee was to eliminate some of the restrictiveness of the current definition of marital rape.

95. In relation to the Rome Statute, Jamaica had signed it but had not yet ratified it and domestic legislation had to be brought into conformity before acceding to it. The delegation added that this was a policy followed by the Government so not to be in breach of any international laws by not having domestic law in compliance.

96. With regard to correctional facilities and lock-ups, a new block for low- and medium-security prisoners was being commissioned that would address overcrowding at the two main high-security, correctional facilities. The delegation stated that a robust reclassification exercise was under way in relation to transferring low-risk inmates from high-security facilities, partly aimed at addressing overcrowding.

97. With regard to HIV/AIDS awareness and stigma elimination, the delegation mentioned the national workplace policy, a non-discriminatory policy that made it easier for people living with HIV/AIDS to work comfortably without discrimination. It also mentioned a new occupational health and safety bill that was expected to be brought to Parliament this year.

98. Regarding the use of force, the delegation asserted that the role of the independent commission of investigations as an investigatory body had expanded to include prosecutorial powers and that, since then, it had been able to initiate its own prosecutions.

99. The delegation of Jamaica also said that major players from the non-governmental organization community had been appointed to the steering committee that had been established for the universal periodic review. It said that their attendance had been good initially but had fallen off recently and that invitations had consistently been extended to them to attend, although they had not always chosen to do so.

100. The Niger welcomed the adoption by Jamaica of the national development plan, Vision 2030. It noted the national public policy for gender equality, the national action plan for the elimination of gender-based violence and the Charter of Fundamental Rights and Freedoms.

101. Nigeria welcomed the national development plan of Jamaica, Vision 2030, the comprehensive social-protection strategy, the ratification of core international human rights instruments, the addressing of recommendations made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and efforts made towards the establishment of a national human rights institution.

102. Norway noted the ratification by Jamaica of a majority of international human rights instruments. It noted with concern that Jamaica had not extended a standing invitation to the special procedures of the United Nations. It was also concerned about the criminalization of same-sex activities and discrimination against people living with HIV.

103. Panama commended measures taken regarding discrimination against women and protecting children, including the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It urged Jamaica to further protect the rights of women, children and vulnerable groups. Panama praised the national development plan, Vision 2030, and consideration of ratifying the Convention on the Rights of Persons with Disabilities.

104. Paraguay commended progress in development, gender violence, disabilities and children, and the de facto moratorium on executions. It acknowledged the efforts made to implement human rights recommendations but also the challenges to comply with treaty bodies' reporting. It urged Jamaica to ratify the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance.

105. The Philippines, while acknowledging the adverse impact of climate change on Jamaica, commended Jamaica on the human rights approach of its policies on the matter. It acknowledged improvements in human trafficking laws. It noted the lack of a national human rights institution.

106. Portugal welcomed the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the adoption of the Charter of Fundamental Rights and Freedoms.

107. Rwanda commended Jamaica on its efforts on gender equality and women empowerment, mainly in the public decision-making sphere. It applauded measures to address female underrepresentation in Parliament.

108. Senegal noted the national development plan, Vision 2030, the programme targeting persons with disabilities, the measures to protect women from discrimination, and the government campaign against corporal punishment in schools.

109. Sierra Leone appreciated the national development plan, Vision 2030, the social protection strategy, the percentage of women in managerial positions and the policies on climate change and on disability. It urged Jamaica to eradicate violence against women and children and to protect human rights defenders.

110. Singapore noted measures to enhance gender equality and the empowerment of women, and to reform the judicial sector. It acknowledged the country's development constraints, and commended Jamaica on its national development plan, Vision 2030, and its social protection strategy.

111. Slovenia welcomed the national policy on gender equality and plans addressing gender inequality in political participation. It was concerned about the widespread gender-based violence and the high rate of crime and violence, including killings of children; and discrimination and violence against lesbian, gay, bisexual, transsexual and intersex persons.

112. South Africa welcomed the national development plan, including improvements in the education system, environmental sustainability and hunger eradication. It noted strides in enhancing gender equality and women empowerment.

113. Spain welcomed the human rights unit within the Ministry of Justice, the Law on Disabilities, and ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It was concerned about violence against children and girls; detention conditions, particularly of juveniles; abuses by police officers; and attacks against lesbian, gay, bisexual, transsexual and intersex persons.

114. Sri Lanka welcomed the national development plan, Vision 2030, and noted the adverse impact of climate change in Jamaica. It commended measures concerning health care, education, social assistance and children's rights. It noted the commitment of Jamaica to combat gender-based violence.

115. The delegation of Jamaica said that it was seeking to renew its emphasis on primary health care to reduce the burden on the secondary health-care system. Four centres of excellence had been established to provide diagnostic prevention and treatment services. The question of how to finance health care was a major issue. Jamaica was revising the safe motherhood programme and considering the approval of a national strategic plan for non-communicable diseases and a national development plan for sexual and reproductive health.

116. On the issue of climate change, Jamaica continued to advocate for action to keep global warming at or below 1.5 degrees Celsius above pre-industrial levels. It said that at the bilateral level, developed countries should take the lead in addressing climate change by raising their 2020 commitments, including by ratifying the Kyoto Protocol to the United Nations Framework Convention on Climate Change. In terms of national efforts, Jamaica recognized the adverse impact of climate change on vulnerable small island States and that in 2012 it had established a ministry dedicated to climate change and a climate change

policy framework action plan had been brought forward for discussion in Parliament in 2014.

117. In concluding, the delegation of Jamaica expressed appreciation for the constructive and frank nature of the recommendations, some of which were innovative. Jamaica was actively pursuing the establishment of a national human rights institution, which was a priority, based on the Paris Principles. It stated that Jamaica was making strides in the area of justice reform, especially regarding the criminal justice system. It also noted progress made in the many areas of human rights and said that it would not spare any effort, despite the challenging financial situation as a small island and developing State, to improve the level of human rights and the enjoyment of rights by all its citizens.

II. Conclusions and recommendations**

118. **The recommendations formulated during the interactive dialogue listed below have been examined by Jamaica and enjoy the support of Jamaica:**

118.1 **Continue the momentum to reduce incidences of HIV/AIDS by public education and campaigns (Trinidad and Tobago);**

118.2 **Redouble its efforts to establish the national human rights institution, in line with the Paris Principles (Indonesia);**

118.3 **Early establishment and early operationalization of the national human rights institution (Mauritius);**

118.4 **Strengthen its institutional framework to ensure harmonization of its national legislation with its international obligations in the area of human rights, and undertake the process of establishing a national human rights institution in accordance with the Paris Principles (Niger);**

118.5 **Hasten the establishment of a national human rights institution in line with the Paris Principles (Nigeria);**

118.6 **Step up its efforts to establish a national human rights institution that is compliant to the Paris Principles (Philippines);**

118.7 **Intensify its efforts to establish a national human rights institution (Rwanda);**

118.8 **Manifest, as soon as possible, the commitment of the Jamaican Government to establish a national human rights institution, in line with the Paris Principles (Senegal);**

118.9 **Continue its efforts to implement all measures related to the protection of rights of women, children and disabled persons (Democratic Republic of the Congo);**

118.10 **Continue efforts that promote and protect the rights of women, with emphasis on the incorporation of a gender perspective in law and in public policies, and pursuing measures to combat violence against women (Colombia);**

118.11 **Invest the necessary resources to ensure the effective socialisation and implementation of its national policy on gender equality and the national**

** The conclusions and recommendations have not been edited.

strategic plan of action to eliminate gender-based violence when finalized (Singapore);

118.12 **Continue its efforts to combat various types of violence against women, including domestic violence and sexual harassment (Togo);**

118.13 **Ensure the finalization and implementation of the national plan of action to eliminate gender violence (Uruguay);**

118.14 **Strengthen its efforts to eliminate discrimination of and violence against women and girls including through implementation of laws, policies and programmes to this effect (Germany);**

118.15 **Allocate sufficient resources to national institutions responsible for implementing the national strategic plan to eliminate gender-based violence (Paraguay);**

118.16 **Strengthen efforts on the implementation of the Child Care and Protection Act (South Africa);**

118.17 **Further strengthen efforts to prevent sexual exploitation of children (Sri Lanka);**

118.18 **Strengthen measures to combat poverty, in particular poverty of women and children (Algeria);**

118.19 **By implementing its national poverty policy and programme, redouble efforts to reduce poverty and improve the lives of vulnerable groups of the population (China);**

118.20 **Spare no effort to promote the holistic development of its children and youths, in particular those from the most vulnerable families to enhance social mobility and to break the vicious intergenerational cycle of poverty (Singapore);**

118.21 **Continue measures to increase access to health services for all, and enhance quality while giving special attention to the groups in vulnerable situations (Sri Lanka);**

118.22 **Continue its advocacy for keeping global warming at or below 1.5 degrees Celsius above the pre-industrial level (Philippines);**

118.23 **Seek assistance from the international community to more comprehensively address adaptation measures to address the effects of climate change (Sierra Leone).**

119. **The following enjoy the support of Jamaica which considers that they are already implemented or in the process of implementation:**

119.1 **Ratify the Rome Statute of the International Criminal Court (Timor-Leste);**

119.2 **Ratify the Rome Statute of the International Criminal Court (Cyprus);**

119.3 **Accede to the Rome Statute of the International Criminal Court (Denmark);**

119.4 **Pursue initiatives on human rights education, particularly through access to information and promotion of existing protection and redress mechanisms (Ecuador);**

119.5 **Developing programmes aimed at promoting the awareness of police on human rights values and principles (Egypt);**

119.6 **Strengthen the training of the security forces so that they respect human rights in their interventions (Senegal);**

119.7 **Establish a national human rights institution in conformity with the Paris Principles (Costa Rica);**

119.8 **Establish an independent national human rights institution in accordance with the Paris Principles (Democratic Republic of the Congo);**

119.9 **Establish a national human rights institution in accordance with the Paris Principles (Honduras);**

119.10 **Work towards early establishment of a national human rights institution (India);**

119.11 **Establish a national human rights institution which is in full compliance with the Paris Principles (Ireland);**

119.12 **Consider establishing a national human rights institution, in line with the Paris Principles (Panama);**

119.13 **Establish a national human rights institution in full compliance with the Paris Principles (Portugal);**

119.14 **Strengthen measures to foster training and awareness of public officials, particularly police and justice officials, on relevant human rights issues (Colombia);**

119.15 **Study the possibility of creating an online system to follow up on international recommendations, which would include the accepted recommendations of the universal periodic review (Paraguay);**

119.16 **Prepare and regularly submit periodic reports concerning international conventions, to which Jamaica is a party (Senegal);**

119.17 **Strengthen activities aimed at combating discrimination on any grounds and in all spheres of life (Colombia);**

119.18 **Take additional measures to address and eliminate negative stereotypes and adverse traditional beliefs and practices that discriminate against women (Thailand);**

119.19 **Ass[illegible]a sufficient resources for the implementation of the national gender equality policy, and review judicial procedures to ensure women and girls victims of domestic violence can have access to justice, by providing training to police and judicial staff in order for them to be treated with dignity (Chile);**

119.20 **Take effective measures to investigate and prosecute all incidents and acts of violence targeting individuals based on sexual orientation (Canada);**

119.21 **Step up its efforts to protect all citizens from violence and discrimination, including lesbian, gay, bisexual and transgender persons (Netherlands);**

119.22 **Ensure that the use of force is based on the principles of legality, necessity and proportionality (Thailand);**

119.23 **Take measures to ensure that abuses of force committed by security state agents, including summary executions, are promptly processed (Mexico);**

119.24 **Continue efforts in reducing crime and violence including through social interventions, community programmes and more effective policing (South Africa);**

119.25 **Intensify efforts to investigate allegations of excessive or unlawful use of force by police and the military, and to prosecute such cases as appropriate (United States of America);**

119.26 **Strengthen legislative measures and policies to improve prisons conditions (Angola);**

119.27 **Adopt adequate legislation to ensure that children in conflict with the law have access to justice and social reintegration, using the deprivation of liberty as a last resort (Chile);**

119.28 **Make additional efforts to improve the conditions of its prisons and detention centres toward elimination of overcrowding, improved sanitary conditions, and a strengthened system for medical care (Japan);**

119.29 **Improve prison conditions and detention facilities (Nigeria);**

119.30 **Conduct relevant actions to prevent that minors are referred to detention centers for adults (Spain);**

119.31 **Adopt and resource the national strategic plan of action to eliminate gender-based violence (Turkey);**

119.32 **Enhance all efforts to combat discrimination and violence against women, in particular by quickly adopting and effectively implementing the national strategic action plan to eliminate gender-based violence (Italy);**

119.33 **Continue its positive approach in enhancing gender equality and combating gender-based violence including through the finalization, adoption and implementation of its national strategic plan of action to eliminate gender-based violence (Malaysia);**

119.34 **Investigate allegations of ill-treatment of children living in centres and homes, and as appropriate, take all necessary corrective measures (Cabo Verde);**

119.35 **Take measures to prevent children from being economically exploited by adopting legislation and policies to address child labour in both the formal and informal sectors (Egypt);**

119.36 **Strengthen measures to promote and protect the rights of the child, including measures against sexual and labour exploitation (Japan);**

119.37 **Take all necessary measures to protect women and children from violence, particularly sexual abuse and exploitation, including through the adoption of awareness raising programmes, as well as by means of sexual education policies (Brazil);**

119.38 **Prepare a holistic childhood plan with a particular attention to the problem of child labour (Nicaragua);**

119.39 **Adopt and implement a comprehensive strategy to prevent violence against children (Slovenia);**

119.40 **Conduct more effective campaigns, as well as necessary legal reforms, to eradicate aggressions against minors (Spain);**

119.41 **Intensify efforts to identify victims of trafficking, to ensure that all perpetrators of trafficking in persons are investigated and prosecuted and to provide adequate protection and rehabilitation for the victims (Timor-Leste);**

119.42 **Ensure that all perpetrators of trafficking in persons are investigated and prosecuted; and provide adequate protection, reparation and compensation and rehabilitation to the victims (Egypt);**

119.43 **Continue to provide adequate resources to its anti-trafficking programs (Philippines);**

119.44 **Immediate elimination of the practice of incarcerating juvenile offenders alongside adults (United Kingdom of Great Britain and Northern Ireland);**

119.45 **Amend regulations related to arrest and detention by the Jamaica Constabulary Force, so that they clearly define the rights of detainees, strengthen judicial oversight of arrests, and provide specific remedies for breach of duty (Canada);**

119.46 **Give INDECOM the power it needs to investigate criminal acts committed by the Police (Australia);**

119.47 **Adequately resource the Justice Reform Implementation Unit so that it can effectively support the timely delivery of all justice sector reform initiatives and the implementation of Jamaica's Justice Reform Agenda (Singapore);**

119.48 **Continue efforts to promote women's participation in public decision taking (Honduras);**

119.49 **Continue to address the root causes of unemployment, especially among young people, by adopting the necessary long-term policies and strategies (Trinidad and Tobago);**

119.50 **Continue strengthening its sound social plans and programs in favour of its people — with a particular emphasis in the areas of education, food and health — for which it is very important to have the support of the community of nations, through the cooperation that the country might require (Bolivarian Republic of Venezuela);**

119.51 **Augment their efforts to reduce poverty and to provide enhanced access of safe potable water particularly in rural communities (Trinidad and Tobago);**

119.52 **Advance the development of a national poverty policy and strengthen efforts in implementation of the country's Social Protection Strategy (South Africa);**

119.53 **Adopt a comprehensive national housing strategy with a view to ensuring access to adequate and affordable housing (Egypt);**

119.54 **Strengthen awareness-raising campaigns about the forms of contracting HIV/AIDS and respective preventive measures, particularly focusing on marginalized young persons, drug users, sexual workers of both sex and other groups which are vulnerable to being infected (Mexico);**

119.55 **Maintain actions aimed at improving the public health system of the country, including in the area of HIV/AIDS (Cuba);**

119.56 **Strengthen the implementation of the national programme to combat HIV and sexually transmitted diseases and ensure that discrimination against persons with HIV be prohibited (Morocco);**

119.57 **Continue to commit more resources to primary health care (Nigeria);**

119.58 **Continue to invest more in education, improve coverage and quality of education and in particular ensure the right to education for children from poor families, girls, children with disabilities, and others belonging to vulnerable group (China);**

119.59 **Establish stronger measures to increase access to education particularly to those living in rural areas (Maldives);**

119.60 **Continue to fully implement the Disabilities Act 2014 (Cuba);**

119.61 **Take adequate measures towards providing legislative protection to its disabled community (India);**

119.62 **Strengthen efforts to combat discrimination against persons with disabilities and take specific measures to increase employment opportunities for them (Maldives).**

120. **The following recommendations will be examined by Jamaica, which will provide responses in due time, but no later than the thirtieth session of the Human Rights Council, in September 2015:**

120.1 **Ratify the Convention against Torture (Timor-Leste);**

120.2 **Sign and ratify the Convention against Torture (France);**

120.3 **Ratify the Convention against Torture (Algeria);**

120.4 **Expand the support to international human rights instruments by adhering to the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance (Cabo Verde);**

120.5 **Sign and ratify the Convention against Torture (Canada);**

120.6 **Ratify the Convention against Torture and prohibit corporal punishment and other cruel treatment of girls and boys (Chile);**

120.7 **Consider the option of ratifying the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance (Democratic Republic of the Congo);**

120.8 **Intensify efforts to ratify the Convention against (Denmark);**

120.9 **Consider the ratification of the Convention against Torture (Ecuador);**

120.10 **Continue its efforts in strengthening its national legal frameworks including by taking concrete steps towards the accession of the Convention against Torture (Indonesia);**

120.11 **Ratify the Convention against Torture and the International Convention for the Protection of All Persons from Enforced disappearance (Sierra Leone);**

120.12 **Ratify the Convention against Torture (Spain);**

120.13 **Consider signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

120.14 **Consider the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Angola);**

120.15 **Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Honduras);**

120.16 **Ratify the Rome Statute of the International Criminal Court and accede to the Agreement on the Privileges and Immunities of the International Criminal Court (Botswana);**

120.17 **Ratify the Rome Statute of the International Criminal Court and accede to the Agreement on the Privileges and Immunities of the International Criminal Court (Estonia);**

120.18 **Accede to and fully align its national legislation with the Rome Statute of the International Criminal Court (ICC), including by incorporating provisions to cooperate promptly and fully with the ICC and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and accede to the Agreement on the Privileges and Immunities of the International Criminal Court (Netherlands);**

120.19 **Ratify the International Labour Organization Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries (Guatemala);**

120.20 **Take measures with a view to ending discrimination against women and children; eliminate negative stereotypes as well as combating torture and ill treatment by the law enforcement agencies (Nigeria);**

120.21 **Actively protect gender equality and women's rights and ensure inter alia that women and girls have effective access to justice, including through the provision of legal aid (Estonia).**

120.22 **Adopt concrete measures to implement the national strategic plan to eliminate gender-based violence, as announced in 2013, and envisage softening legislation towards decriminalisation of abortion, especially in cases of rape (France);**

120.23 **Amend section 5 of the Sexual Offences Act 2009 in order to ensure that sexual intercourse by a husband with his wife without her consent is a criminal offence in all circumstances (Ireland);**

120.24 **Adopt concrete measures to remove children from the streets and preventing their use in prostitution, pornography and other illegal acts (Chile);**

120.25 **Amend the Law on Foreigners to include an explicit limit to administrative detention (Mexico);**

120.26 **Further strengthen the Independent Commission of Investigations (INDECOM) in line with international standards by amending the Coroner's Act to include INDECOM as an interested party to an inquiry into a death, and reforming INDECOM Act to settle challenges from the police to INDECOM's jurisdiction and mandate (Canada).**

121. **The recommendations below did not enjoy the support of Jamaica and would thus be noted:**

121.1 **Consider ratifying human rights instruments to which it is not yet a State Party (Nicaragua);**

121.2 **Consider ratifying core international human rights treaties and their optional protocols, which have not yet been ratified (Panama);**

121.3 **Consider taking all necessary steps to introduce a de jure moratorium on capital executions with a view to fully abolish the death penalty, and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Italy);**

121.4 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty (Turkey);**

121.5 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Chile);**

121.6 **Ratify without reservations the Second Optional Protocol to the International Covenant on Civil and Political Rights (Cyprus);**

121.7 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**

121.8 **Consider accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights with the aim of abolishing the death penalty and introducing an official moratorium on executions (Namibia);**

121.9 **Sign the Second Optional Protocol to the International Covenant on Civil and Political Rights and establish a moratorium on executions with a view to abolishing the death penalty (Portugal);**

121.10 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Rwanda);**

121.11 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Costa Rica);**

121.12 **Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the Convention against Torture (Portugal);**

121.13 **Consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (Uruguay);**

121.14 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (Slovenia);**

121.15 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Australia);**

121.16 **Consider ratifying the Convention against Torture and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance (Uruguay);**

121.17 **Ratify the Convention against Torture and its Optional Protocol (Guatemala);**

121.18 **Consider ratifying the Convention against Torture and the Second Optional Protocol to the International Covenant on Civil and Political Rights (Paraguay);**

121.19 **Consider ratifying International Labour Organization Convention 189 concerning decent work for domestic workers (Philippines);**

121.20 **Implement measures to recognize and protect human rights defenders, including those defending the rights of the lesbian, gay, bisexual, transsexual and intersex population (Germany);**

121.21 **Extend a standing Invitation to the Special Procedures in order to improve its cooperation with the international community in the field of human rights (Turkey);**

121.22 **Extend a standing invitation to the United Nations Special Procedures (Guatemala);**

121.23 **Improve its cooperation with the United Nations treaty and charter-based bodies by extending an open invitation to Special Procedures, to accept those requests already pending, and to continue to submit its future reports to the treaty bodies on time (Norway);**

121.24 **Adopt a general legal framework against discrimination, defining this crime comprehensively, including direct and indirect forms of discrimination, contemplating all spheres of public and private law, and criminalising acts committed by public and private agents (Mexico);**

121.25 **Take the necessary steps to eliminate discrimination against women in all spheres of society, including making legislative amendments (Namibia);**

121.26 **Continue efforts to combat discrimination against women through appropriate legal provisions (Nicaragua);**

121.27 **Repeal the legal provisions making same-sex intimacy among men-described as "gross indecency and buggery"-illegal (Sweden);**

121.28 **Introduction and implementation of fully comprehensive anti-discrimination legislation to include sexual orientation and gender (United Kingdom of Great Britain and Northern Ireland);**

121.29 **Take measures to reduce violence against lesbian, gay, bisexual, transsexual and intersex persons, with a view to reducing homophobic prejudices of the Jamaican society and facilitate their access to all services (Uruguay);**

121.30 **In line with the Human Rights Committee, decriminalize consensual same-sex sexual relations between adults and put an end to prejudices and social stigmatization of homosexuality (Argentina);**

121.31 **Legally prohibit discrimination on the grounds of sex, sexual orientation and gender identity and punish acts of violence that affect lesbian, gay, bisexual, transsexual and intersex persons (Chile);**

121.32 **Decriminalize consensual same-sex sexual conduct between adults (United States of America);**

121.33 **Decriminalize sexual relations between consenting adults of the same sex and put an end to prejudices and social stigmatization of homosexuality (Germany);**

121.34 **Strengthen the legal framework to combat discrimination on the basis of sexual orientation (Italy);**

121.35 **Prohibit discrimination on the basis of sex, sexual orientation and gender identity. Such measures would be of great importance to the fight against homophobia as well as for the progress in combating HIV/AIDS in the country (Brazil);**

121.36 **Amend its laws with a view to prohibiting discrimination on the basis of sex, sexual orientation and gender identity (Montenegro);**

121.37 **Amend the Charter of Fundamental Rights and Freedoms to include sexual orientation and gender identity and expression as a protected category (Norway);**

121.38 **Decriminalize sexual activity between consenting adults of the same sex, and address hate crimes on the grounds of sexual orientation and gender identity, as matter of urgency, as previously recommended (Slovenia);**

121.39 **Repeal laws that criminalize sexual activity between consenting adults of the same sex (Slovenia);**

121.40 **Take measures to eliminate the discrimination and stigmatization against lesbian, gay, bisexual, transsexual and intersex persons (Slovenia);**

121.41 **Adopt effective measures to eradicate violence against the lesbian, gay, bisexual, transsexual and intersex group, as well as the inclusion within the Charter of Rights adopted in 2011 of a provision for no discrimination on grounds of sexual orientation (Spain);**

121.42 **Continue its efforts to abolish the death penalty (Togo);**

121.43 **Observe an official moratorium on executions in order to envisage, ultimately, the final abolition of capital punishment (France);**

121.44 **Establish a de jure moratorium with a view to the definitive abolition of the death penalty (Uruguay);**

121.45 **Establish a moratorium with a view to abolishing the death penalty (Argentina);**

121.46 **Adopt a formal moratorium on the death penalty, and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);**

121.47 **Enact and implement laws and policies that recognize and protect human rights defenders, and ensure prompt, thorough and impartial investigations of all violations against them (Botswana);**

121.48 **Establish an official moratorium on executions with a view to abolishing the death penalty (Estonia);**

121.49 **Establish a moratorium with a view to abolishing the death penalty (Panama);**

121.50 **Establish a moratorium with a view to abolishing the death penalty (Sierra Leone);**

121.51 **Declare a de jure moratorium on the death penalty with a view to abolishing capital punishment, and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Slovenia);**

121.52 **Ensure that gender-based violence is reported, duly investigated and prosecuted (Slovenia);**

121.53 **Ensure the revised Child Care and Protection Act prohibits all corporal punishment of children, including in the home, and explicitly repeals the right to administer reasonable and moderate punishment (Sweden);**

121.54 **Explicitly prohibit corporal punishment in all settings, including the family, schools and institutions (Estonia);**

121.55 **Identify and protect children employed in the worst forms of child labour, and increase assistance to victims of forced labour and sex trafficking (United States of America);**

121.56 **Enact anti-discrimination legislation to protect human rights and to ensure equal treatment of people living with HIV and groups vulnerable to HIV, consistent with United Nations International Guidelines on HIV/AIDS and Human Rights (Norway);**

121.57 **Adhere to the Second Optional Protocol to the International Covenant on Civil and Political Rights, and declare a moratorium on pending executions, with a view to abolishing the death penalty (Costa Rica).**

122. **Concerning recommendations 121.13, 121.14 and 121.15 put forward by Uruguay, Slovenia and Australia, Jamaica considers that in keeping with standard practice, the Government is in the process of putting in place the relevant domestic measures that can give effect to the implementation of the Optional Protocol.**

123. **Concerning recommendation 121.20 put forward by Germany, Jamaica considers that there is no basis for stating that human rights defenders are at risk in Jamaica; that full protection is afforded to them as citizens under the law; and that they are active, openly engaged in advocacy, and have contributed positively to the development of the Jamaican human rights architecture.**

124. **Concerning recommendations 121.25 and 121.26 put forward by Namibia and Nicaragua, Jamaica considers it has existing, effective anti-discrimination legislation, which is adequate.**

125. **Concerning recommendation 121.29 put forward by Uruguay, Jamaica considers it is not accurate to typify the attitudes of Jamaican society generally as "homophobic prejudices".**

126. **Concerning recommendation 121.30 put forward by Argentina, Jamaica considers it is committed to taking steps to end prejudice and stigmatization affecting all Jamaicans, including lesbian, gay, bisexual, transsexual and intersex persons.**

127. **Concerning recommendation 121.40 put forward by Slovenia, Jamaica considers it is already taking measures to eliminate stigma and discrimination against all Jamaicans, including lesbian, gay, bisexual, transsexual and intersex persons.**

128. **Concerning recommendation 121.47 put forward by Botswana, Jamaica considers there is no basis to conclude that human rights defenders are at risk.**

129. **Concerning recommendation 121.52 put forward by Slovenia, Jamaica considers that no country can guarantee that gender-based violence will be reported and that, however, Jamaica continues to employ measures to encourage reporting.**

130. **Concerning recommendation 121.55 put forward by the United States of America, Jamaica accepts this recommendation in principle, but its interpretation of**

"sex trafficking" in this context is human trafficking of minors for the purpose of sexual exploitation.

131. Concerning recommendation 121.56 put forward by Norway, Jamaica considers it has measures in place to combat discrimination of persons, including those living with HIV/AIDS, and that all have equal access to HIV/AIDS medicines.

132. All conclusions and recommendations contained in the present report reflect the position of the submitting States and the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

[English only]

Composition of the delegation

The delegation of Jamaica was headed by Senator the Honourable Mark Golding, Minister of Justice, and composed of the following members:

- H.E. Wayne McCook, Ambassador/Permanent Representative of Jamaica to the Office of the United Nations and its Specialized Agencies at Geneva
- Mr. Elbert Nelson, Assistant Commissioner of Police Jamaica Constabulary Force
- Ms. Joyce Stone, Deputy Commissioner of Corrections Department of Correctional Services
- Ms. Joan Thomas Edwards, Director International Organisations Department, Ministry of Foreign Affairs and Foreign Trade
- Ms. Cherryl Gordon, Minister/Deputy Permanent Representative, Permanent Mission of Jamaica to the Office of the United Nations and its Specialised Agencies at Geneva
- Ms. Alicia McIntosh, Assistant Attorney-General, Attorney-General's Chambers
- Ms. Patrice Laird-Grant, Minister-Counsellor, Permanent Mission of Jamaica to the Office of the United Nations and its Specialised Agencies at Geneva
- Ms. Simara Howell, First Secretary, Permanent Mission of Jamaica to the Office of the United Nations and its Specialised Agencies at Geneva

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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Jamaica

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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1. On 13th May, 2015, Jamaica presented its second cycle report to the 22nd Session of the Working Group on the Universal Periodic Review (UPR). During the interactive dialogue, 168 recommendations were made (as reflected in document A/HRC/30/15). The majority of these recommendations were accepted by the Government of Jamaica, including some which the Government regarded as having been already implemented or in the process of being implemented. Many of these recommendations were overlapping and, therefore, related responses are repeated as and when necessary.

2. The following represents Jamaica's final response to the 168 recommendations received, including those that the Government had declared would have required further consideration before the formal adoption of the UPR report by the 30th Session of the Human Rights Council. Jamaica has accepted 92 recommendations in whole and 2 recommendations in part, including 67 that the Government considers as having already been implemented or as being in the process of implementation.

I. Scope of international obligations

3. Jamaica accepts recommendations 118.1, 120.16 and 120.17.

4. Jamaica accepts recommendations 119.1, 119.2, 119.3, 120.9, 120.14 and 120.15, which are in the process of being implemented.

5. Jamaica notes:

- Recommendation 120.18. As stated previously, Jamaica is in the process of ratifying the ***Rome Statute of the ICC*** keeping with our normal practice of honouring commitments to international treaties, Jamaica intends to implement the Treaty in line with the commitments in the Statute. In the case of the ICC, however, this undertaking does not require the Government to enact legislation to incorporate the entire Treaty into domestic law;

- Recommendations 121.13, 121.14 and 121.15. In keeping with standard practice and obligations under the Vienna Convention on the Law of Treaties, the Government is in the process of putting in place, the relevant domestic measures that can give effect to the implementation of the ***Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women***.

6. Jamaica does not accept:

- Recommendations 120.1 to 120.5, the first half of recommendation 120.6, recommendations 120.7, 120.8, 120.10 to 120.12, 121.12, 121.16, 121.17 and 121.18. Jamaica is still in the process of putting in place the relevant domestic legislation that can give effect to the implementation of the ***Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment***. Acts of torture have never been condoned or accepted as a practice in Jamaica; as has been reflected in relevant treaty body reports, the Constitution and laws of Jamaica have always prohibited practices that would be tantamount to acts of torture. Furthermore, significant progress is being made in addressing many of the recommendations made by the Special Rapporteur on Torture in his report of the visit to Jamaica in 2012, regarding, among other things, conditions in places of detention;

- The second half of recommendation 120.6. ***Corporal punishment*** has been abolished in early childhood institutions, children's homes and other arranged alternate living spaces such as Foster Care. Appropriate measures are being taken

to ensure that the use of corporal punishment is discontinued in Jamaican schools. The *Child Care and Protection Act* affords protection for all children from abuse;

- Recommendations 120.13, 120.19, 121.1 to 121.11 and 121.19.

II. Institutional and human rights infrastructure and policy measures

7. Jamaica accepts:

- Recommendations 118.2 to 118.8.

8. Jamaica accepts as having already been implemented:

- Recommendations 119.5 and 119.6;

9. Jamaica accepts as being in the process of implementation:

- Recommendations 119.4, 119.7 to 119.14;

10. Jamaica does not accept:

- Recommendation 121.20; as there is no basis for stating that human rights defenders are at risk in Jamaica. Full protection is afforded to them as citizens under the law. They are extremely active, openly and boldly engaged in advocacy, and have contributed positively to the development of the Jamaican human rights architecture.

III. Cooperation with human rights mechanisms

11. Jamaica accepts recommendation 119.15, which is in the process of being implemented.

IV. Cooperation with treaty bodies

12. Jamaica accepts recommendation 119.16, which is in the process of being implemented.

V. Cooperation with special procedures

13. Jamaica does not accept recommendations 121.21, 121.22 and 121.23; as although the Government is not opposed to accommodating visits of Special Rapporteurs; these are considered on a case-by-case basis. It is critically important that the Government should be given adequate notice to ensure that necessary arrangements are in place for successful visits, in accordance with mutually-agreed timelines.

14. Jamaica recommends to the Human Rights Council that a mechanism be put in place that allows for sharing of information among the various Human Rights bodies and procedures, as often there are overlapping requests which are inefficient and unduly stretch the limited resources of the Jamaican State.

VI. Equality and non-discrimination

15. Jamaica accepts:

- Recommendations 118.9, 118.10 and 118.11.

16. Jamaica accepts, as having already been implemented or as being in the process of implementation:

- Recommendations 119.17, 119.20 and 119.21;
- Recommendations 119.18, 119.19 and the first part of 120.20 regarding discrimination against women and children. The Government of Jamaica condemns all forms of discrimination and negative stereotypes affecting women and children, and is pursuing appropriate policies to eliminate same. A gender equality framework is currently in place for the Government's policies, programmes, and plans, in keeping with the international legal requirements, international human rights obligations, commitments, and principles. In this context the Government of Jamaica is undertaking the following measures:
    - acceleration of legal and constitutional reform to protect against sex discrimination; sexual harassment;
    - legal reform the review and amend legislation geared towards greater legal protection for women and girls;
    - ongoing legislative reform relating to women to ensure that women receive adequate redress under the law; and
    - the introduction of new legislation to provide protection and remedies for women and girls.

17. Jamaica is a State Party to the Convention on the Rights of Persons with Disabilities (2007); Convention on the Elimination of All Forms of Discrimination (CEDAW, 1984); Convention on the Rights of the Child (1991); Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women - Belem do Para Convention (1994), and fully supports the Beijing Platform for Action (BPFA, 1995); Millennium Development Goals (MDGs, 2000); and agreed Outcome Documents of international and regional meetings on gender equality.

18. Details of some relevant domestic legislation are outlined below:

(a) The Charter of Fundamental Rights and Freedoms 2011

- Explicitly prohibits gender discrimination. Section 13 (3) (i) (i) provides for the right to freedom from discrimination on the grounds of being male or female.

(b) The Sexual Offences Act, 2011

- Repeals the Incest (Punishment) Act and Sections 44-67 of the (OAPA) which deal with offences against females;
- Strengthening and defining the offence of rape;
- Creates other sexual offences such as grievous sexual assault and marital rape;
- Defines a child as a person under the age of eighteen (18) years of age;
- Provides for the establishment of a Sex Offender Registry to house a database among other matters.

(c) The Child Care and Protection Act, 2004

- Covers issues affecting children directly as victims, or indirectly (or potentially) as children in need of care and protection;

- Addresses cases of child abuse;
- Makes provision for mandatory reporting;
- Creation of a Children's Advocate and the establishment of a Children's Registry.

(d) The Domestic Violence Act, 1995 (Amendment) 2004

- Provides for enhanced protection for victims of domestic violence and abuse;
- Applies to both spouses and *de facto* (common law) spouses;
- Makes provision for persons in visiting relationships;
- Allows for Occupation and Ancillary Orders, giving the victim exclusive use of a home, furnishings and personal effects;
- Allows Courts to issue Protection Orders, keeping the accused away from the home, work or school of the victim;
- Protection Orders can be made on behalf of men, women or children affected by violence within the home.

(e) The Offences against the Person Act, 2010

- Primary source of sexual offence prohibitions and penalties in Jamaican law;
- Highly gender-specific approach to sexual offences;
- Includes a range of offences related to issues of sexual morality and the exploitation or defilement of women or children, e.g. procuring a girl to be engaged in prostitution, other unlawful sexual activities or coerced sex, living on the proceeds of prostitution, soliciting for immoral purposes, causing a child to live in a brothel, having sexual intercourse with a woman who is overpowered by a drug or with a mentally disabled female.

(f) The National Disabilities Act, 2014

- Promotes full and equal enjoyment by persons with disabilities, of privileges, interests, benefits and treatment, on equal basis as others;
- Establishes the Jamaica Council for Persons with Disabilities;
- Addresses employment of persons with disabilities and includes non-discrimination provisions and an obligation on the employer to make adjustments to the workplace to ensure that the employee is not at a disadvantage;

19. Jamaica accepts, as having already been implemented or as being in the process of implementation:

- Recommendation 120.21. Pursuant to the *Legal Aid Act*, legal aid is available to both men and women and access to legal services is provided through the Legal Aid Council. Legal aid is offered to persons facing criminal charges, not to victims.

20. Legal aid services in non-criminal matters, such as to assist in family court proceedings, are primarily provided by the legal aid clinics in Kingston and Montego Bay as well as the Norman Manley Law School at the University of the West Indies in Kingston.

21. A number of other civil society organizations that operate independently provide legal advice and legal aid in civil and criminal matters, including those related to sexual and gender-based violence.

22. *Woman Inc.* is one of the leading women's NGOs in Jamaica and the only organisation that specifically provides legal aid services to women who use its services.

23. Legal pro bono services are offered by some NGOs, such as the *Independent Jamaican Council for Human Rights* and private attorneys.

24. Jamaica notes:

- The second half of recommendation 120.20. The Constitution and laws of Jamaica have always prohibited practices that would be tantamount to acts of torture, which have never been condoned or accepted as a practice in Jamaica. Furthermore, significant progress is being made in addressing many of the recommendations made by the Special Rapporteur on Torture in his report of the visit to Jamaica in 2012, regarding, *inter alia*, conditions in places of detention;
- Recommendations 121.25 and 121.26. Jamaica accepts these recommendations in principle, but considers that the existing, anti-discrimination legislation, other measures and legislative amendments are collectively adequate and effective to combat discrimination against women.

25. Jamaica does not accept:

- Recommendations 121.24 and 121.27 to 121.41. Jamaica has an agglomeration of legislation, policies, strategies and measures in place at various levels which derive from the Constitution and which, collectively, form an effective machinery that provides all Jamaicans redress from discrimination of any kind; it is unnecessary to create a single anti-discrimination law. It is not accurate to typify the attitudes of Jamaican society generally as "homophobic prejudices". Jamaica is committed to taking steps to end prejudice and stigmatisation affecting all Jamaicans, including LGBTI persons, emphasising mutual respect among all Jamaicans, adherence to the rule of law and continuing in a strong historical tradition of freedom of expression. The Government of Jamaica has consistently condemned all acts of violence, against all persons. As part of its approach to the decades-old problem of violence that has spared no community, or group of persons; the Government has been a leading voice in the Caribbean region, advocating for a regional, hemispheric and global response to the epidemic of violent behaviour that has affected Jamaica and other countries in the Americas. Jamaica is confident that the nation will build on recent modest successes in arresting violent behaviour among State actors and citizens alike, in order to reduce this trend in the society and among future generations.

VII. Right to life, liberty and security of the person

26. Jamaica accepts:

- Recommendations 118.12 to 118.23 and the first half of recommendation 120.22 relating to the implementation of the National Strategic Plan to Eliminate Gender-based Violence.

27. Jamaica accepts, as having already been implemented:

- Recommendations 119.38, 119.46, 119.47, 119.52, 119.53, 119.54 and 119.55.

28. Jamaica accepts, as being in the process of implementation:

- Recommendations 119.22 to 119.37, 119.39 to 119.45, 119.48 to 119.51, 119.56, 119.57 to 119.62;

- Recommendation 120.24. *Street children* are properly classified by the *Child Care and Protection Act* as being in need of care and protection. Where these situations are identified, the agencies of the State collaborate to investigate, intervene and integrate children with their families. Depending on the circumstances, a series of programmes offered under Jamaica's social protection system are matched with individual needs and applied accordingly. Where re-integration is not possible or other vulnerabilities are identified, the matter is brought to the attention of the Courts and the child placed in the care of the State.

  Several ongoing initiatives, involving multiple agencies and bilateral and multilateral partners, provide services to street children and data-collection for Government agencies to strengthen the response framework.

29. Jamaica notes:

- Recommendation 121.52. As stated previously, no country can *guarantee* that gender-based violence will be reported; however Jamaica continues to employ measures to encourage reporting;

- Recommendation 121.55. Jamaica accepts this recommendation in principle, but emphasises that these measures have already been implemented, many of which were detailed in Jamaica's national report that was submitted to the UPR Working Group (A/HRC/WG.6/22/1). Our interpretation of 'sex trafficking' in the context of this recommendation is, *human trafficking of minors for the purpose of sexual exploitation*;

- Recommendation 121.56. As stated previously, Jamaica has measures in place to combat discrimination of persons, including those living with HIV/AIDS. All citizens have equal access to HIV/AIDS medicines.

30. Jamaica does not accept:

- The second half of recommendation 120.22 relating to the *decriminalisation of abortion*. In Jamaica, abortion is permissible on medical grounds;

- Recommendation 120.23. The *Sexual Offences Act* as it currently stands establishes marital rape as an offence. However, the Act makes provision for circumstances that must exist for marital rape to have been committed. Proposals have been made for the law to avoid restrictive conditions for marital rape so that all marital rape be criminalized. This matter is currently under review;

- Recommendation 120.25. Jamaica has no provision for "administrative detention", including of foreigners, in its domestic legislation. As previously reported, Jamaica's Refugee Policy is based on the 1951 Convention and 1967 Protocol on Refugees. The institutional framework for dealing with (screening of) refugees includes an Eligibility Committee, a Refugee Review Body, and an appeals Tribunal. Consideration is being given to include, in the Policy, a time-frame to govern the stages from application to granting of refugee status;

- Recommendation 120.26. The existing *Coroner's Act* gives the Coroner (or the Special Coroner), the authority to deem someone an interested party in a Coroner's Inquest. Should INDECOM have an interest in a matter before the Coroner's Court, it simply has to indicate this interest to the Coroner;

- Recommendation 121.47. As stated previously, there is no basis for stating that *human rights defenders* are at risk in Jamaica. Full protection is afforded to them as citizens under the law. They are extremely active, openly and boldly engaged in advocacy, and have contributed positively to the development of the Jamaican human rights architecture;

- Recommendations 121.53 and 121.54;
- Recommendations 121.42 to 121.46, 121.48 to 121.51 and 121.57.